



California Regulatory Notice Register

REGISTER 2002, NO. 40-Z

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 1. OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF PROPOSED RULEMAKING

The Regulating Authority (consisting of the Departments of General Services, Transportation, and Water Resources, administered by the Office of Administrative Hearings) proposes to adopt the amended regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Regulating Authority proposes to adopt sections 1395 and 1398; to amend sections 1314, 1321, 1323, 1324, 1334, 1354, 1390 and 1392; renumber 1322 and 1323; and repeal and adopt section 1332 of Chapter 4 of Division 2 of Title 1 of the California Code of Regulations. The proposed regulations will clarify existing Public Works Contract Arbitration regulations.

PUBLIC HEARING

At this time, the Regulating Authority has not scheduled a public hearing. Any interested person or his or her duly authorized representative may request a hearing pursuant to Government Code section 11346.8 no later than 15 days prior to the close of the comment period. Requests for a public hearing should be directed to the contact person indicated below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OAH. All written comments must be received no later than 5:00 p.m. on November 18, 2002. Written comments for the Regulating Authority's consideration should be directed to the contact person indicated below.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for a copy of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Margaret A. Farrow
Office of Administrative Hearings
560 J Street, Suite 300
Sacramento, CA 95814
(916) 445-4926
e-mail: mfarrow@dgs.ca.gov

The back-up contact person is Heather Cline Hoganson, at the same address and phone number.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at the above address during regular business hours. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and any data relied upon. A copy may be obtained by contacting Margaret A. Farrow at the address or telephone number listed above or from the OAH web site, at <http://www.dgs.ca.gov/oah/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the comment period, the Regulating Authority may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text with changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the Regulating Authority adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Margaret A. Farrow at the address indicated above. The Regulating Authority will accept written comments on the modified regulation for 15 days after the date on which it is made available.

INFORMATIVE DIGEST / OVERVIEW IN PLAIN ENGLISH

In 1982, the Legislature created a method of resolving contract claims under the State Contract Act by arbitration. The Office of Administrative Hearings (OAH), a division of the Department of General Services, administers this program, generally referred to as the Public Works Contract Arbitration (PWCA) Program. OAH may, jointly with the Departments of General Services, Transportation and Water Resources, modify, revise, or repeal uniform regulations to implement the provisions of Articles 7.1 (commencing with Section 10240) and 7.2 (commencing with Section 10245) of Chapter 1 of Division 2 of the Public Contract Code. These regulations may include but need not be limited to:

- (a) The method of initiating arbitration.
- (b) The place of hearing based upon the convenience of the parties.

(c) Procedures for the selection of a neutral arbitrator.

(d) The form and content of any pleading.

(e) Procedure for conducting hearings.

(f) The providing of experts to assist the arbitrator in the event the assistance is needed.

(g) The content of the award.

(h) Simplified procedures for claims of fifty thousand dollars (\$50,000) or less.

The regulation revisions proposed reflect an ongoing effort by the Regulating Authority to keep the PWCA regulations responsive to the needs of the parties and the expeditious operation of the arbitration program.

AUTHORITY AND REFERENCE

The authority for the proposed regulations is found in Public Contract Code sections 10240.5 and 10245.2 which specify the Department of General Services, Transportation, and Water Resources may modify, revise, or repeal uniform regulations to implement Articles 7.1 and 7.2 of the Public Contract Code. The primary references for the proposed regulations are found in Articles 7.1 (commencing with Section 10240) and 7.2 (commencing with Section 10245) of Chapter 1 of Division 2 of the Public Contract Code. Additional references are to Government Code section 14655, Civil Code section 1670, and Executive Order B50-78.

DISCLOSURES/FISCAL IMPACT REGARDING THE PROPOSED ACTION

The Regulating Authority has made the following determinations:

- **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS:** The proposed regulations will not impose any new mandated programs on local agencies or school districts.
- **COST OR SAVINGS TO LOCAL AGENCIES OR SCHOOL DISTRICTS:** None.
- **OTHER NON-DISCRETIONARY COSTS TO LOCAL AGENCIES:** None.
- **COST OR SAVINGS TO STATE AGENCIES:** The regulations proposed herein do not impose additional cost on state agencies. The proposed regulations amend existing procedures for the arbitration of state contract claims authorized by statute. To the extent that the revised regulations clarify procedures on matters which have been heretofore disputed, they may result in cost savings in shortening arbitration hearings or the preparation time therefor.
- **COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** None.

- **ASSESSMENT OF ECONOMIC IMPACT ON BUSINESSES:** These proposed regulations will not have a significant statewide adverse economic impact on business directly affecting business, including the ability of California businesses to compete with businesses in other states. In addition, the regulations will not adversely affect the creation or elimination of jobs within California, the creation of new businesses or the elimination of existing business within California, or the expansion of businesses currently doing business in California.

- **ASSESSMENT OF ECONOMIC IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** The Regulating Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- **ASSESSMENT OF ECONOMIC IMPACT ON SMALL BUSINESSES:** These proposed regulations may have a some minimal economic impact on small businesses.

- **FACTS RELIED UPON IN SUPPORT OF FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS:** These regulations do not significantly alter or increase any fees or costs currently existing by regulation or statute. These regulations do not appreciably increase the cost of the arbitrations and may reduce the cost by clarifying the meaning of the regulations and streamlining the arbitration procedures.

- **EFFECT ON HOUSING COSTS:** None.

- **USE OF SPECIFIC TECHNOLOGIES OR EQUIPMENT:** None.

- **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT OR DOCUMENT RELIED UPON IN PROPOSING THE REGULATIONS:** None.

- **CONSIDERATION OF ALTERNATIVES:** In accordance with Government Code section 11346.5, subdivision (a)(13), the Regulating Authority must determine that no reasonable alternative considered by the Regulating Authority or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected persons than the proposed action.

The purpose of the proposed regulations is to specify the procedures to be followed for arbitration of state contract claims. The Regulating Authority has been unable to identify any alternative to the proposed regulations that would be as effective and less burdensome to affected persons. The Regulating Authority invites interested persons to present state-

ments or arguments regarding alternatives to the proposed regulations during the written comment period.

When it is prepared, the final statement of reasons can be obtained by contacting Margaret Farrow or Heather Hoganson at the Office of Administrative Hearings 560 J Street, Suite 300, Sacramento CA 95814. Phone (916) 445-4926.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARD BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **November 21, 2002** at 11:00 a.m. in the Auditorium of the California State Building, 1350 Front Street, San Diego, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **November 21, 2002** following the Public Meeting in the Auditorium of the California State Building, 1350 Front Street, San Diego, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **November 21, 2002** following the Public Hearing in the Auditorium of the California State Building, 1350 Front Street, San Diego, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders, of the California Code of Regulations, as indicated below, at its Public Hearing on November 21, 2002.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 14
Sections 1604.5(c)(3) and 1604.6
Construction Hoistway Doors and Door Locking Devices
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 4
Sections 3279 and 3280
Portable Ladders

A description of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 14
Sections 1604.5(c)(3) and 1604.6
Construction Hoistway Doors and Door Locking Devices

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposed rulemaking action is being initiated at the request of the Division of Occupational Safety and Health (Division). The Division submitted a Request for New or Change in Existing Safety Order, dated December 22, 2000, to amend the Construction Safety Orders (CSO), Section 1604.6(a) to update the language of the regulation to be consistent with the latest edition of the American National Standards Institute (ANSI) A10.4-1990.

The Division investigated an accident involving two fatalities of workers who fell through a hoistway door at a construction personnel hoist landing at the 21st floor of the Sheraton Grand high rise building under construction in Sacramento. The hoistway door failed and opened when one of the two workers, who were allegedly scuffling while waiting for the hoist car, fell against the door.

During the accident investigation, the Division found that the existing regulation has essentially adopted the language of ANSI A10.4-1973, Section 6.1, Hoistway Doors and Door Locking Devices. The review of the regulations revealed that the requirements of the existing Title 8, Section 1604.6(a) for hoistway doors are not as effective as the requirements of the ANSI A10.4-1990 (current edition), Section 6.1, because the current edition includes the strength specifications for the design of hoistway doors. Staff notes that existing Title 8 strength requirements for construction personnel hoist elevator doors are contained in Section 1604.18(a)(4) and specify that the elevator car doors are to be strong enough so as not to displace when a force of 250 pounds is applied perpendicularly to a 1 square foot area at the center of the door. The proposed amendment will update the language of the existing regulation to be consistent with the ANSI A10.4-1990 and will specify the strength requirements for the construction hoistway doors and gates.

Federal OSHA regulation 29 CFR, Subpart N, Section 1926.552(c)(16) has incorporated by reference the ANSI A10.4-1963, Safety Requirements for Workmen's Hoists. Thus, California and federal OSHA are consistent in adopting the ANSI A10.4 requirements for the construction hoistway doors.

In light of the above information and discussion, this rulemaking action will address the Division's request to improve the effectiveness of the Title 8 regulations by establishing the minimum design strength specifications for construction hoistway doors.

The Board staff wishes to acknowledge the fact that the proposed amendments to Section 1604.6 were developed with the assistance of an advisory committee which included representatives from the Division of Occupational Safety and Health (Division) and the two leading manufacturers of construction personnel hoists in California. Board staff's proposed hoistway door strength requirement deviates somewhat from what is contained in the ANSI A10.4-1990 standard to the extent that it proposes that hoistway doors, gates, etc., are not to be displaced from their supports when they are subjected to a force of 250 pounds distributed over an area of 1 square foot applied to any part of the door as opposed to be distributed over the full surface of the door as stated in the ANSI standard. Board staff

believes and the advisory committee concurred that Board staff's proposed language will result in more substantial hoistway doors, gates and components that will be less likely to be displaced from their supports thus preventing employees from falling through the door to a level below. During an August 21, 2002 telephone conversation with the Division, the Division restated their support for Board staff's proposed hoistway door strength requirements.

An additional amendment to Section 1604.5(c)(3) which pertains to the design of hoistway enclosures is proposed, which would delete the unnecessary phrase ". . .and hoistway doors. . ." in paragraph (3) and eliminate any conflict that could result in confusion between the proposed hoistway door strength requirement in Section 1604.6 and existing hoistway enclosure strength requirements in Section 1604.5(c)(3).

This proposed rulemaking action contains non-substantive, editorial and grammatical revisions. These non-substantive revisions are not all discussed in this Informative Digest, but they are clearly indicated in the regulatory text in underline and strikeout format. In addition to these non-substantive revisions, the following actions are proposed:

Section 1604.5. Construction of Towers, Masts, and Hoistway Enclosures.

This section contains construction hoist requirements including but not limited to: tower and mast construction, protection of spaces below hoistways, hoistway enclosure design, etc. Subsection (c)(3) specifies requirements pertaining to hoistway enclosure design and requires that hoistway enclosures and hoistway doors are to be supported and braced so as to be able to withstand a force of 100 pounds applied horizontally at any point without deflecting more than 1 inch experiencing a reduction in running clearances as specified in Section 1604.11(a).

A revision is proposed to delete the phrase ". . .and hoistway doors. . ." in subsection (c)(3). The proposed revision will eliminate confusion between Section 1604.5(c)(3) and the proposed hoistway door strength requirements contained in Section 1604.6. The proposed revision will clarify to the employer that the hoistway door strength requirements are contained in Section 1604.6 and not Section 1604.5(c)(3) which pertains to hoistway enclosure design.

Section 1604.6. Hoistway Doors and Door Locking Devices.

(a) Height, Material, and Installation.

Section 1604.6(a) specifies height, materials, and installation specifications for construction hoistway doors. Revisions are proposed to update the regulation language to make it essentially consistent with the ANSI A10.4-1990. To clearly indicate the different

requirements of this regulation to the employers, it is proposed to subdivide Section 1604.6(a) into five (5) subsections.

Revisions are proposed to label the existing door height requirement as (a)(1) and add three new subsections (a)(2), (a)(3) and (a)(4) to address and specify the design, construction, installation and maintenance requirements for hoistway doors. Also, it is proposed to revise and label the existing vision-panel specifications as (a)(5).

Proposed new subsection (a)(2) stipulates that hoistway doors and gates shall be so designed, constructed, installed and maintained that, when closed, the doors and gates shall withstand a force of 75 pounds applied perpendicularly to the door or gate and distributed over an area of one square foot on any part of the door or gate without deflecting beyond the center line of the car-to-landing sill clearance. The proposed revision will render the State's regulation consistent with ANSI A10.4-1990 and will require employers to ensure that hoistway doors are designed, built, installed and maintained to meet the ANSI A10.4-1990 standards.

New subsection (a)(3), proposed to specify strength conditions for the hoistway doors and gates, states, "When subjected to a force of 250 pounds similarly applied, doors or gates and their components shall not be displaced from their supports, guides, tracks, hinges, latches and locking devices, or be permanently deformed or otherwise made inoperative." The proposed revision will render the regulation consistent with the ANSI A10.4-1990. In addition, the proposed language will require employers to ensure the installation and use of hoistway doors and gates are designed and built to ANSI A10.4-1990 standards.

Proposed new subsection (a)(4) gives the strength specifications, similar to those of subsection (a)(3), for multi-section hoistway doors. Subsection (a)(4) states, "Where multi-section doors or gates are used, each panel shall withstand the forces as specified in this section." The proposed amendment will stipulate the strength requirements for the multi-panel hoistway doors and gates and will make this standard consistent with the ANSI A10.4-1990. The proposed revision will also require the employer to assure that multi-section hoistway doors meet the strength requirements contained in proposed subsection (a)(4).

It is further proposed to label the existing design requirements for vision-panel or panels, to be provided for solid hoistway doors, as (a)(5). The existing specification that the flame proof material used to cover the vision-panel (typically expanded metal or wire mesh) ". . . will reject a 3/4-inch ball. . ." is not clearly a mandatory requirement. To make the requirement mandatory, a revision is proposed to replace the word "will" before ". . . reject a 3/4-inch

ball. . ." with the more definitive term "shall" for added clarity. Also, a new strength requirement for the vision-panel cover is proposed that will require the vision-panel cover to withstand a force of 75 pounds applied perpendicularly to any part of the panel and distributed over an area of one square foot with no greater deflection than any other part of the door as allowed in subsection (a)(2). The proposed amendment will render the State's regulation consistent with ANSI A10.4-1990 and will require the employer to ensure that vision-panels used meet the proposed strength requirements.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/employers, including the ability of California businesses to compete with businesses in other states. The proposal would merely require employers who lease construction personnel hoists to ascertain (from the manufacturer) that the hoistway doors provided meet the proposed strength requirements.

Cost Impact on Private Persons or Businesses

The Board has made an initial determination that this proposal may result in a very small cost to hoistway door manufacturers for initially setting up the testing equipment and subsequently testing the doors to ensure that the doors are made in accordance with the proposed regulations. However, this proposal will not result in significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7, Article 4
Sections 3279 and 3280

Portable Ladders

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposed rulemaking action is being initiated at the request of the Division of Occupational Safety and Health (Division). The Division submitted a Form 9, Request for New, or Change in Existing, Safety Order, dated April 19, 2001, to amend the General Industry Safety Orders (GISO) to incorporate the most recent American National Standards Institute (ANSI) standard for portable ladders. This standard, ANSI A14.10-2000, permits the use of portable ladders known as Type IAA ladders with a weight capacity of 375 pounds. A number of ladder manufacturers now make the Type IAA ladders which meet the specifications of the new ANSI standard for portable ladders. However, employers in California are precluded from using Type IAA ladders because they are not recognized by ANSI standards currently referenced in Section 3279 or 3280. This proposal will update the GISO to include the ANSI A14.10-2000 standard along with the other ANSI A14 portable ladder standards currently referenced in Sections 3279 and 3280.

The Division’s Form 9 also included a request to amend Section 3278, Portable Wood Ladders. However, this section was not amended because ANSI A14.10-2000 only applies to reinforced plastic and metal ladders and not those constructed of wood.

Section 3279. Portable Metal Ladders.

Existing Section 3279 specifies that portable metal ladders placed in service after April 18, 1999, shall meet the requirements of ANSI A14.2-1990, which is incorporated by reference. ANSI A14.2-1990 permits a maximum working load of 300 pounds for Type IA ladders. This proposal amends Section 3279 to incorporate the latest ANSI standard by reference, ANSI A14.10-2000, to allow the use of portable metal ladders that meet either ANSI standard. The effect of this revision is to permit the use of Type IAA ladders which have a maximum working load of 375 pounds. The state’s requirements for portable ladders in Section 3279 of the General Industry Safety Orders are equivalent to the federal requirements in CFR 1910.26, Portable Metal Ladders, except that California also incorporates the ANSI A14 standard by reference. Therefore, the state’s proposal is at least as effective as the federal counterpart.

Section 3280. Portable Reinforced Plastic Ladders.

Existing Section 3280 specifies that portable reinforced plastic ladders placed in service after April 18, 1999, shall meet the requirements of ANSI A14.5-1992, which is incorporated by reference. ANSI A14.5-1992 permits a maximum working load of 300 pounds for Type IA ladders. This proposal amends Section 3280 to also incorporate ANSI A14.10-2000 by reference to allow the use of portable reinforced plastic ladders that meet the requirements of either ANSI standard. The effect of this revision is to permit the use of Type IAA ladders which have a maximum working load of 375 pounds. There is no federal counterpart to Section 3280 for portable reinforced plastic ladders.

**DOCUMENTS INCORPORATED
BY REFERENCE**

- American National Standard for Ladders—Portable Special Duty Ladders, ANSI A14.10-2000.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate this document by reference. A copy of this document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention

of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than November 15, 2002. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on November 21, 2002 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 13: DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Chapter 1, Division 1, Article 2.4, Driver Safety, Section 115.07 of Title 13, California Code of Regulations, concerning Telephone Hearings.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on November 18, 2002, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Government Code section 11400.21 and Vehicle Code section 1651, in order to implement, interpret or make specific Government Code section 11440.30 and Vehicle Code sections 13558, 14100, 14112, 16070 and 16075.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 11440.30 provides that the department has the authority to conduct hearings all or in part via telephone, television, or other electronic means. The department proposes to amend Title 13, Article 2.4, Section 115.07 of the California Code of Regulations.

The intent of the proposed language is to provide guidance and consistency for hearings conducted all or in part by telephone, television, or other electronic means. Often hearings conducted by electronic media do not provide the level of clarity necessary to clearly record a hearing. These media may "cut out" or lose transmission capability during a hearing. This interferes with maintaining an accurate administrative record of the hearing due to poor reception or signal failure.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. This proposal pertains to hearings for individuals.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or

would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Ann Myrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8857, or amyrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Notice, Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Public Comments web page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

(Continuation of California Notice Register 2002,
No. 36-Z, and Meeting of August 30, 2002.)

NOTE: The Fish and Game Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See Updated Informative Digest changes shown in **bold face** type.

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 5508, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 215, 220, 5508, 5509, 8585.5, 8586 and 8587.1 of said Code, proposes to add Section 1.91 and amend sections 1.90, 27.60, 27.65, 27.82, 28.27, 28.28, 28.29, 28.54, 28.55, 28.58 and 28.65, California Code of Regulations, regarding options for take of nearshore/shelf/slope rockfish, lingcod, cabezon, greenlings, California scorpionfish and ocean whitefish for consistency with Pacific Fishery Management Council rules.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Pacific Fishery Management Council (Council) met September 10-13, 2002 and developed final regulatory recommendations affecting ocean recreational and commercial groundfish fisheries and fisheries for associated species commencing January 1, 2003. Most of the provisions approved by the Council are consistent with the regulations noticed in our Initial Statement of Reasons while some of them represent a slight departure from the original filing and require re-notice. These are as follows:

A) Creation of two new management "groups" including definitions and bag limits: "shallow nearshore rockfish," two fish bag limit; and "groundfish," 10 fish bag limit. Both groups have special conservation needs stemming from new harvest guidelines adopted by the Council for nearshore rockfish and sculpin stocks south of Cape Mendocino.

B) Reduced bag limits and seasonal adjustments south of Cape Mendocino for cabezon of 3 (from 10) fish and for greenlings of 2 (from 10) fish. These fish are part of the groundfish group and their inclusion in the bag limits and groundfish fishing seasons will help reduce impacts on

rockfish stocks while maximizing season lengths for all species. This year, both fisheries were closed early in the year due to quota attainment.

C) An inseason closure mechanism is proposed for rockfish and lingcod fisheries north of Cape Mendocino in waters 27 fathoms or greater in depth if/when the harvest guideline for canary or yelloweye rockfish is reached. This change is needed to reduce impacts on these two overfished rockfish stocks in the event one or the other harvest guideline is reached before the end of the year while providing for continued fishing opportunity for nearshore fish stocks.

D) A special season for California scorpionfish (sculpin) in southern California (Huntington Flats) is provided in waters shallower than 50 fathoms during the months of July-August. This will allow recreational anglers to intercept these fish during their annual spawning migration in the area and will complement a commercial regulation for the same area and time period.

E) Additional language is included that authorizes the Department to close part of a Rockfish and Lingcod Management Area based on harvest guidelines established for subgroups of fishes. This is in response to provision C above and the adoption by the Council of new management subgroups.

The amended statement also provides greater specificity with regard to some of the original or proposed amended provisions, and attempts to clarify the intent and meaning of other provisions, including additional cross references where appropriate.

Under existing law, west coast groundfish, including rockfish and lingcod, are managed by the Pacific Fishery Management Council (Council) pursuant to the Pacific Coast Groundfish Fishery Management Plan (Groundfish Plan) to comply with policies and standards of the Federal Sustainable Fisheries Act, Public Law 94-265. The California Fish and Game Commission (Commission) adopts sport fishing regulations for groundfish that conform to those of the Council. Current federal law requires that rebuilding plans be adopted for those groundfish stocks that are determined by the Council to be overfished. A number of shelf and slope rockfish (those generally found deeper than 20 fathoms) and lingcod are currently assessed as overfished, with rebuilding expected to take several decades in the case of the overfished rockfish stocks. Overfished rockfish stocks and associated species for which regulations now exist (and for which changes are proposed in the 2003 calendar year) include bocaccio, canary, and yelloweye rockfish, California scorpionfish, and ocean

whitefish. Concerns also exist for nearshore rockfish and associated species such as cabezon due to expected shifts in fishing effort from offshore waters closed to fishing.

Existing sportfishing regulations affecting the take of rockfish, lingcod, California scorpionfish and ocean whitefish include designated rockfish and lingcod management areas, seasonal closure periods that prohibit the take of rockfish, lingcod, California scorpionfish, and ocean whitefish in rockfish and lingcod management areas, minimum size and bag limits, and regulation of the number of hooks and lines that are authorized when rockfish and lingcod are aboard a vessel. California scorpionfish and ocean whitefish are prohibited in waters 20 fathoms or greater in depth during rockfish and lingcod closures to avoid the incidental take of overfished shelf rockfish and lingcod. Also, area and season closures exist in nearshore waters that coincide with all or portions of closure periods in shelf waters within rockfish and lingcod management areas. Regulations currently authorize the Commission to close sport fishing for rockfish and lingcod if the Department determines that harvest guidelines adopted as regulation by the National Marine Fisheries Service for lingcod, bocaccio, canary rockfish, and yelloweye rockfish are exceeded, or are projected to be exceeded. Also, a recreational minimum size limit exists for cabezon (a nearshore species).

Generally, sport fishing regulation changes being proposed reflect several options that will be considered by the Council and Commission for the 2003 fishing season. These regulatory measures will affect west coast recreational groundfish fisheries from the California-Oregon border to the U.S.-Mexico border and involve both State and federal waters off California. The Commission is expected to take action to conform to Council adopted groundfish sportfish regulation changes at the Commission's October 25, 2002 meeting. The proposed changes would prohibit the take of rockfish, lingcod, California scorpionfish, and ocean whitefish in waters [20-27] fathoms [(120-162 feet)] and greater north of 40 degrees, 10 minutes North Latitude (near Cape Mendocino), and waters greater than [10 to 20] fathoms [(60-120 feet)] or greater south of 40 degrees, 10 minutes North Latitude, depending on which minimum depth and closure period is finally adopted for the areas north and south of 40 degrees, 10 minutes, North Latitude near Cape Mendocino, Humboldt County.

Proposed changes to recreational fishing regulations for Council and Commission consideration involving waters from 40 degrees, 10 minutes North Latitude, south of Cape Mendocino, Humboldt County, north to the California—Oregon border include:

- a prohibition on the take and possession of rockfish and lingcod in waters [20–27] fathoms or greater (the exact depth to be determined), either all year, or from June - October, inclusive, or a less restrictive period to be determined (proposed change to Section 27.82, Title 14, CCR);
- a daily bag and possession limit of either 10 rockfish, or 10 rockfish and lingcod in combination with not more than two lingcod in the bag (proposed change to Section 27.60, Title 14, CCR);
- a reduction in the daily bag and possession limit for canary and yelloweye rockfish from one to zero, and elimination of the authorization of up to two yelloweye rockfish per boat;
- a seasonal closure on the take of rockfish and lingcod in nearshore waters to range from open all year to closed during specified months, to be determined,
- a requirement that barbless circle hooks be used when rockfish and lingcod are aboard;
- an increase in the minimum size limit for cabezon from 15 inches in total length, to 16 inches in total length; and
- authority to close the recreational fishery for lingcod and rockfish to include nearshore rockfish, or subgroups of nearshore rockfish, and California scorpionfish when the Department determines that a harvest guideline published as regulation by the National Marine Fisheries Service has been exceeded or is projected to be exceeded.

Proposed changes to recreational fishing regulations for Council and Commission consideration involving waters south of 40 degrees, 10 minutes North Latitude, south of Cape Mendocino, Humboldt County to the U.S.—Mexico border include:

- a total prohibition on the take of rockfish, lingcod, California scorpionfish, and ocean whitefish in waters [10–20], fathoms [(60–120 feet)] deep or greater (the minimum depth beyond which fishing is prohibited will be determined at the Council's September meeting);
- a reduction in the current sport limit of 10 rockfish per day in the aggregate of authorized species (reduced from current 10 to between 9 and 5 per day) during those time periods, and in those areas, where rockfish would continue to be authorized for take in waters less than [10–20] fathoms deep (the exact depth to be determined); Rockfish in the bag limit in nearshore waters open to fishing would be nearshore species of rockfish except [zero–two] could be shelf species other than bocaccio, cowcod, canary rockfish, and yelloweye rockfish (proposed change to sections 27.60 and 28.55, Title 14, CCR);

- a total prohibition on the take of bocaccio, canary, and yelloweye rockfishes (bag limits to be zero);
- a change in the bag limit for California scorpionfish (range of 5–10 being considered);
- new sportfishing minimum size limits for black-and-yellow, gopher, and kelp rockfishes (10 inches total length), and China and grass rockfishes (12 inches total length);
- an increase in the cabezon minimum size limit from 15 to 16 inches total length;
- a requirement to use barbless circle hooks when rockfish and lingcod are aboard;
- authority to close the recreational fishery for lingcod and rockfish to include nearshore rockfish, or subgroups of nearshore rockfish, and/or California scorpionfish, when the Department determines that a harvest guideline published as regulation by the National Marine Fisheries Service has been exceeded or is projected to be exceeded.

These measures are proposed to help meet rebuilding goals for overfished stocks of rockfish and lingcod in offshore shelf waters; to help keep harvests of nearshore fish stocks within harvest guidelines established for nearshore rockfish, California scorpionfish, and cabezon; and to address concerns for shifts in fishing effort to nearshore fish stocks expected to result from closures to fishing offshore.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 H Street, Suite 100, Crescent City, CA, on Friday, October 25, 2002 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 21, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than October 25, 2002, at the hearing in Crescent City, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rule-making file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding address or phone number. Patricia Wolf, Department of Fish and Game, (562) 342-7108, has been designated to respond to questions on the substance of the proposed regulations. Copies of the

Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action is expected to have a coast wide adverse economic impact affecting business, although this is not expected to affect the ability of California businesses to compete with businesses in other states. The regulation changes are expected to further restrict recreational fishing opportunities in California, particularly the activities of commercial passenger fishing vessels (CPFVs) that rely in large part on taking passengers fishing for rockfish and lingcod to offshore waters 20 fathoms or greater in depth. In regard to effects of rockfish and lingcod closures on the ability of local businesses to compete with businesses in other states, it is unlikely that fishermen unable to fish due to local closures

would opt to go to Oregon to fish for rockfish and lingcod given that closures off northern California will also apply in waters off Oregon.

Generally, owners and operators of CPFVs that rely on fishing for rockfish and lingcod off central and northern California have fewer options than those CPFVs operating in waters off southern California. CPFVs that may no longer target rockfish and lingcod in shelf waters must either redirect their fishing operations to nearshore waters for rockfish and lingcod, target other species, or engage in other vessel activities, such as seasonal whale watching, or be faced with finding other occupations. Owners and operators of CPFVs off southern California often target rockfish and lingcod during winter months when resident and migratory game fishes are not as active or are unavailable. Owners and operators of many CPFVs off central and northern California often rely to a great extent on fishing for rockfish and lingcod; other available target species, including salmon and albacore, tend to be seasonally available.

The practical impact of these regulations is expected to be decreased recreational fishing activity for several species of rockfishes and lingcod along California's coast due to prohibition of the take of these species in waters deeper than 20 fathoms. The extent to which businesses associated with recreational fishing for these species will be affected depends on how consumer demand for their services responds under the proposed fishing restrictions. It is unlikely that most recreational fishermen will abandon all ocean fishing activities due to these regulations. Rather, as indicated above, some unknown portion of this fishing sector will substitute other less restricted ocean species in order to continue their ocean fishing activities, but some decrease in overall fishing activity will likely result.

Information from the National Marine Fisheries Service (NMFS) estimates anglers aboard CPFVs take roughly 43% of all ocean rockfishes caught by all recreational fishermen in northern California and 67% in southern California. Year 2001 fishing log data from the Department of Fish and Game shows 5.9% of all northern California CPFV trips and 0.8% of all southern California CPFV trips took place in waters greater than 20 fathoms and specifically targeted rockfish and lingcod. Of those total trips in 2001 for which logs indicate rockfish and lingcod as the target species, the percent of fishing trips to waters greater than 20 fathoms is 34 percent and 75 percent for northern and southern California, respectively.

Based on 2002 surveys, average passenger fares for fishing trips on CPFV boats are \$74 and \$57 for northern California and for southern California, respectively. In a 1998–1999 NMFS report of marine recreational fishing trip-related expenditures, an estimated \$17.0 million is directed annually to CPFV services in northern California and \$81.4 million is directed annually to CPFV services in southern California.

In the worst case scenario (all former rockfish and lingcod trips to waters greater than 20 fathoms are considered lost revenue to the CPFV fishing sector), we can project annual revenue losses to CPFV owners and related businesses of \$998,000 in Northern California (or 5.9% of \$17 million), and \$666,000 in Southern California (or 0.8% of \$81.4 million). Note, however, that it is unlikely that revenue losses this high will occur, since recreational fishermen may substitute other ocean species for rockfish and lingcod.

Since these conformance regulations are subject to review and change each year, we project costs impacts for one-year only. This one-year time horizon for cost impacts, equal to the useful life of the proposed regulations, thus does not require present value discounting.

Impacts of options presented in the Amended Initial Statement of Reasons do not differ from impacts discussed in the original Initial Statement of Reasons dated August 27, 2002.

The Commission has made an initial determination that the adoption/amendment of these regulations may have a significant adverse economic impact on businesses, although this is not expected to affect the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit alternative proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
- (ii) consolidation or simplification of compliance and reporting requirements for businesses;
- (iii) the use of performance standards rather than prescriptive standards; or
- (iv) exemption or partial exemption from the regulatory requirements for business.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Some loss of jobs could result if Commercial Passenger Fishing Vessels are unable to continue to operate profitably due to the closures and other proposed regulatory measures [See comments under (a) above].

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action except those discussed under (a) above.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

NOTICE OF PROPOSED RULEMAKING TO AMEND SECTIONS 11386 AND 11303

Time, Place, and Nature of Proceedings: The Commission will hold a public hearing on this matter on November 21, 2002 at the Metro Center in the City of Oakland beginning at 1:00 p.m. The Commission will discuss proposed changes to Section 11386 of Article 2, Subchapter 2, Chapter 13, Division 5 of Title 14 of the California Code of Regulations

regarding standardized fines and Section 11303 of Article 2, Subchapter 2, Chapter 13, Division 5 of Title 14 of the California Code of Regulations regarding the Commission's ability to refer violations to the Attorney General's Office.

Authority and Reference: For the proposed changes to Section 11386:

Authority: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code.

Reference: Sections 66632(f) and 66641.5, Government Code; and Sections 29201(e) and 29610, Public Resources Code.

For the proposed changes to Section 11303:

Authority: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code.

Reference: Section 66641(d), Government Code; and Section 29601, Public Resources Code.

Informative Digest/Policy Statement Overview:

Currently, Section 11386 of the Commission's regulations allows an alleged violator to resolve the civil penalty portion of certain alleged violations by paying preset standardized fines without having to go through a formal enforcement proceeding. The proposed changes to Section 11386 would do the following: (1) double fines for violators who have paid a standardized civil penalty within the previous five years; (2) create an immediate per diem penalty schedule for violations that had previously been corrected within the existing 35-day "grace" period; (3) rationalize the standardized fine amounts by increasing those associated with activities that cannot be approved and decreasing those associated with activities that can be approved; (4) make all existing per diem fine amounts equal; (5) clarify the existing threshold determinations made by the Executive Director as to when the standardized process is appropriate; (6) allow the Executive Director to terminate the opportunity to use standardized fines after thirty-five days of providing notice; (7) set a standard limit of one hundred and twenty-five days for resolving violations through standardized fines; (8) include violations of any permit condition within the standardized penalty structure; (9) clarify the process for appealing both the time limit for resolution and the standardized penalty amount; (10) specifically delineate an alleged violator's right to a formal enforcement hearing; and (11) clarify some of the existing language. The goal of these amendments is to make the application of the standardized fines more streamlined, internally consistent, and equitable.

Currently, Section 11303 describes when violations can be referred to the Attorney General's Office. The proposed changes to Section 11303 would allow the Executive Director to include all outstanding viola-

tions, including those enumerated under the standardized fine section, as part of a referral to the Attorney General's Office.

Mandate on Local Agency or School District: None.

Cost or Savings to Local Agencies or School Districts: None.

Other Nondiscretionary Costs or Savings Imposed upon Local Agencies: None.

Cost or Savings to State Agencies or Federal Funding to the State: None.

Significant Effect on Housing Costs: None.

Significant Statewide Adverse Economic Effect on Businesses, including the Ability of California Businesses to Compete with Businesses in Other States: None. The proposed amendments to Section 11386 clarify existing procedures, allow alleged violators additional opportunities to settle the civil penalty portion of their alleged violations if they choose to do so, and change some of the existing penalty amounts. The proposed amendment to Section 11303 clarifies when cases may be referred to the Attorney General. The proposed amendments do not create any new policy or impose any new requirement on business.

Creation or Elimination of Jobs or Business, or Expansion of Business, in California: The Commission has made a determination that the proposed regulations would not (1) create or eliminate jobs within California, (2) create new businesses or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Business Reporting Requirements: None.

Cost Impact on Representative Private Persons or Directly Affected Businesses: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Small Business: Because the proposed changes affect only fines for non-compliance with existing Commission laws and policies, no cost or benefit to small business related to compliance is involved.

No More Effective Alternative: In accordance with Government Code Section 11346.5(a)(13), the Commission must determine that no alternative considered by it would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Contact Person and Backup: Inquiries and substantive questions should be directed to Allen Brooks, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111;

(415) 352-3624; alb@bcdca.gov. If Mr. Brooks is unavailable, comments should be directed to Jonathan Smith at (415) 352-3655 or jons@bcdca.gov.

Availability of Text of Proposed Changes and Initial Statement of Reasons: The text of the proposed changes and an initial statement of reasons explaining the need for the changes are available for review at the Commission's office. Copies of the text and initial statement of reasons can be obtained by contacting Mr. Brooks (see Contact Person above). These items are also available on the Commission's website at www.bcdca.gov.

Written Comment Period: Written comments submitted in advance of the public hearing on this matter should be directed to Allen Brooks at the Commission's office (see Contact Person above) and must be received no later than Wednesday, November 20, 2002, at 5:00 p.m.. Written comments will also be accepted on Thursday November 21, 2002, during the public hearing on this matter at the time and place listed above. The Commission may close the public comment period at the close of the public hearing on November 21, 2002.

Availability of Modified Text: The full text of any changes to the proposed text shall be made available to the public at least 15 days prior to the date on which the Commission determines whether to adopt the modified text. The Commission will accept written comments on the modifications for 15 days after the modifications are made available.

Rulemaking File: A rulemaking file for this rulemaking activity is maintained at the Commission's office and is available for public review during the Commission's normal business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m.). Requests to review the rulemaking file should be directed to Mr. Brooks (see Contact Person above.)

Final Statement of Reasons: Once prepared, the final statement of reasons will be available as part of the Commission's rulemaking file described above.

Internet Access: The proposed regulation and related documents will be available for review on the Commission's website at www.bcdca.gov.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Four Points Sheraton, 8110 Aero Drive, Los Angeles, CA 92123 on November 21, 2002. Written comments must be received by the Board of Chiropractic Examiners at

2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833-2931, or by fax at 916/263-5369, or by e-mail addressed to lmattthew@chiro.ca.gov no later than 5:00 p.m. on November 21, 2002, or must be received by the Board at the hearing. The Board of Chiropractic Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] and to implement, interpret or make specific Section 5 of the Chiropractic Initiative Act [Section 1000-5 of the Business and Professions Code], the Board of Chiropractic Examiners is considering changes to Division 4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Revise Section 355.1. Continued Jurisdiction of a License. Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] gives the Board the responsibility for implementing regulations they deem necessary for the performance of its work in order to maintain a high standard of professional services and the protection of the public.

The current regulation became operative in January 2001, after which, CCR section 355 (Renewal & Restoration) was amended to provide authority to the Board to cancel a license after a prolonged period of forfeiture. The Board has no jurisdiction over cancelled licenses. Therefore, the proposed amendment is intended to conform with CCR section 355.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Chiropractic Examiners has determined that this regulatory proposal will not affect the creation or elimination of jobs, the creation of new businesses or the elimination of existing business, or the expansion of businesses currently doing business, within the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in complying with the proposed amendment.

Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

Small Business Impact: The proposed amendment may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Chiropractic Examiners must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to the attention of the Board would more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Chiropractic Examiners has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

FEDERAL LAW

The proposed amendments do not duplicate or conflict with any federal law.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from:

Board of Chiropractic Examiners
Lavella Matthews, Regulations Coordinator
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-4306

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at the above address.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, and the initial statement of reasons.

CONTACT PERSON

Inquiries concerning the proposed administrative action and inquiries regarding the substance of the proposed regulation may be addressed to Lavella Matthews at the above address or at 916/263-5355. An alternative contact for information regarding the proposed amendment is Cathy Hayes at the above address or at 916/263-5355.

When prepared, copies of the final statement of reasons will be available from the contacts listed above.

INTERNET ACCESS OF DOCUMENTS

Copies of the documents referred to in this notice are available via internet at www.chiro.ca.gov.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Four Points Sheraton, 8110 Aero Drive, San Diego, CA 92123 on November 21, 2002. Written comments must be received by the Board of Chiropractic Examiners at 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833-2931, or by fax at 916/263-5369, or by e-mail addressed to lmattthew@chiro.ca.gov no later than 5:00 p.m. on November 21, 2002, or must be received by the Board at the hearing. The Board of Chiropractic Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] and to implement,

interpret or make specific Section 5 of the Chiropractic Initiative Act [Section 1000-5 of the Business and Professions Code], the Board of Chiropractic Examiners is considering changes to Division 4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Revise Section 326. Criteria for Rehabilitation. Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] gives the Board the responsibility for implementing regulations they deem necessary for the performance of its work in order to maintain a high standard of professional services and the protection of the public.

Currently, the Board has no established rehabilitation criteria to follow when evaluating potential applicant denials or license suspensions or revocations. During an in-depth review of the Board's programs, the Joint Legislative Sunset Committee strongly recommended that the Board establish criteria similar to other health practitioner licensing Boards. The proposed amendment, which mirrors the criteria adopted by other licensing agencies, satisfies the Joint Legislative Sunset Committee's concerns and provides the Board with criteria to consistently evaluate applicants and licensees with criminal histories for license denial or license suspension or revocation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Chiropractic Examiners has determined that this regulatory proposal will not affect the creation or elimination of jobs, the creation of new businesses or the elimination of existing business, or the expansion of businesses currently doing business, within the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in complying with the proposed amendment.

Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

Small Business Impact: The proposed amendment may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Chiropractic Examiners must determine that no alternative which it considered or that has otherwise been identified and brought to the attention of the Board would more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Chiropractic Examiners has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

FEDERAL LAW

The proposed amendments do not duplicate or conflict with any federal law.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from:

Board of Chiropractic Examiners
Lavella Matthews, Regulations Coordinator
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-4306

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at the above address.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, and the initial statement of reasons.

CONTACT PERSON

Inquiries concerning the proposed administrative action and inquiries regarding the substance of the proposed regulation may be addressed to Lavella Matthews at the above address or at 916/263-5355. An alternative contact for information regarding the proposed amendment is Cathy Hayes at the above address or at 916/263-5355.

When prepared, copies of the final statement of reasons will be available from the contacts listed above.

INTERNET ACCESS OF DOCUMENTS

Copies of the documents referred to in this notice are available via internet at www.chiro.ca.gov.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Four Points Sheraton, 8110 Aero Drive, San Diego, CA 92123 on November 21, 2002. Written comments must be received by the Board of Chiropractic Examiners at 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833-2931, or by fax at 916/263-5369, or by e-mail addressed to lmattthew@chiro.ca.gov no later than 5:00 p.m. on November 21, 2002, or must be received by the Board at the hearing. The Board of Chiropractic Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] and to implement, interpret or make specific Section 5 of the Chiropractic Initiative Act [Section 1000-5 of the Business and Professions Code], the Board of Chiropractic Examiners is considering changes to Division 4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Revise Section 317(h). Unprofessional Conduct. Section 4(b) of the Chiropractic Initiative Act [Section 1000-4(b) of the Business and Professions Code] gives the Board the responsibility for implementing regulations they deem necessary for the performance of its work in order to maintain a high standard of professional services and the protection of the public.

Currently Section 317(h) does not require applicants to disclose prior convictions that were set aside pursuant to Penal Code section 1203.4. In the interest

of public protection, this amendment will clarify that convictions that were set aside pursuant to Penal Code section 1203.4 must be disclosed to the Board.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Chiropractic Examiners has determined that this regulatory proposal will not affect the creation or elimination of jobs, the creation of new businesses or the elimination of existing business, or the expansion of businesses currently doing business, within the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in complying with the proposed amendment.

Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

Small Business Impact: The proposed amendment may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Chiropractic Examiners must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to the attention of the Board would more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Chiropractic Examiners has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

FEDERAL LAW

The proposed amendments do not duplicate or conflict with any federal law.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from:

Board of Chiropractic Examiners
Lavella Matthews, Regulations Coordinator
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-4306

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at the above address.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, and the initial statement of reasons.

CONTACT PERSON

Inquiries concerning the proposed administrative action and inquiries regarding the substance of the proposed regulation may be addressed to Lavella Matthews at the above address or at 916/263-5355. An alternative contact for information regarding the proposed amendment is Cathy Hayes at the above address or at 916/263-5355.

When prepared, copies of the final statement of reasons will be available from the contacts listed above.

INTERNET ACCESS OF DOCUMENTS

Copies of the documents referred to in this notice are available via internet at www.chiro.ca.gov.

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING EMISSION INSPECTION EQUIPMENT REQUIREMENTS FOR NON-ENHANCED AREAS

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

Southern California

November 20, 2002—10:00 a.m.

Bureau of Automotive Repair
1180 Durfee Avenue, Suite 120
Conference/Training Room
South El Monte, CA 91733

Northern California

November 22, 2002—10:00 a.m.

Bureau of Automotive Repair
10240 Systems Parkway
Executive Conference Room
Sacramento, CA 95827

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on November 22, 2002, or must be received by the Bureau at the above referenced hearings. The Bureau, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 9882 of the Business and Professions Code and Sections 44001.5, 44002, 44012, 44013 and 44036 of the Health and Safety Code; and to implement, interpret or make specific Sections 9884.8 and 9884.9, Business and Professions Code and Sections 44003, 44010, 44010.5, 44012, 44014, 44014.7, 44015, 44017, 44017.1, 44033, 44036, and 44037.1 of the Health and Safety Code; the Bureau is proposing to adopt the following changes to Articles 1, and 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Bureau of Automotive Repair (BAR), located within the Department of Consumer Affairs, is the state agency charged with the administration and implementation of the Smog Check Program (Program). The Program is designed to reduce emissions from mobile sources such as passenger vehicles and trucks by requiring that these vehicles meet specific in-use emissions standards as verified by periodic

inspections. To ensure uniform and consistent vehicle testing, the BAR licenses Smog Check stations and technicians and certifies inspection equipment.

Mobile source emissions reductions are achieved when high emitting vehicles are identified and then repaired. If the pass/fail standards (cut-points) are too lenient, vehicles with excessive emissions will not fail a Smog Check inspection, and no repairs will be made to the vehicle to reduce its emissions. If high emitting vehicles are not identified and repaired, the effectiveness of the Program is greatly diminished.

Section 44036 of the Health and Safety Code requires the BAR to develop the standards for the certification and decertification of the equipment used in Smog Check stations. Consistent with the statute, the BAR developed certification and operating standards for two types of emissions analyzers. The BAR-90 Test Analyzer System (TAS) is used in the basic and change-of-ownership areas of the state, such as the Bay Area, where the air is relatively clean while the BAR-97 Emissions Inspection System (EIS) is used in the enhanced areas where the air quality is the poorest. As suggested by its name, the BAR-97 EIS is a newer piece of equipment that consists of three essential items: a dynamometer (a treadmill-like device for vehicles), an emissions analyzer that measures hydrocarbons, carbon monoxide, and oxides of nitrogen, and the operating software.

No matter what the designation, the emissions analyzer is the key piece of equipment used to perform a Smog Check inspection. The software housed within the analyzer guides the Smog Check technician through the inspection process, and the hardware allows for the measurement of a vehicle's exhaust emissions. At the conclusion of the inspection, both the software and hardware work together to transmit an electronic record of the inspection to the Bureau's Vehicle Inspection Database (VID). If the vehicle passes the inspection, an electronic certificate of compliance is transmitted to the Department of Motor Vehicles.

While BAR-97 EIS systems may be considered new, BAR-90 TAS units cannot. The BAR-90 TAS uses 80286- or 80386-chip technology, which severely limits the flexibility as well as the functionality of the units. These limitations are a problem for both the stations and the BAR because of the constantly changing automotive technology as well as the revisions to the Program brought on by changes in state law and federal regulation. As the BAR revises the Smog Check Program to adapt to these changes, it repeatedly finds that the BAR-90 TAS is a roadblock to progress.

Furthermore, manufacturers no longer sell the BAR-90 TAS because of the obsolete technology. For example, the supplier of the BAR-90 TAS optical

bench—the heart of the analyzer—recently announced that it will no longer offer support for the bench because of cost-effectiveness issues and the obsolescence of the existing design. Consequently, without parts or service support, when a BAR-90 TAS breaks down, more often than not it can't be fixed. Therefore, the BAR proposes this regulatory action, which requires basic and change of ownership smog check stations to purchase an improved emissions analyzer—a BAR-97 EIS—by August 1, 2003.

Summary of Existing Laws and Regulations:

Existing law:

Section 44012 of the Health and Safety Code specifies the type of emissions inspections that are used by Smog Check stations to inspect vehicles. Specifically, in the enhanced areas of the state, vehicles are subjected to a dynamic, loaded-mode test. In the remaining areas, vehicles are subject to a static two-speed idle test.

Section 44036 of the Health and Safety Code requires Smog Check stations to use inspection equipment that is certified by the Bureau of Automotive Repair (BAR). This section also establishes the functional requirements of the TAS and EIS.

Section 44037.1 of the Health and Safety Code requires 1) the BAR to develop and administer a centralized computer database and computer network that is readily available to all Smog Check stations, and 2) requires Smog Check stations to transmit inspection results and vehicle data to the database.

Existing regulations:

Section 3340.16 of Title 16 of the California Code of Regulations establishes the tool and equipment requirements for basic and enhanced area Smog Check Test-Only stations.

Section 3340.16.5 of Title 16 of the California Code of Regulations establishes the tool and equipment requirements for basic and enhanced area Smog Check Test-and-Repair stations.

Section 3340.17(a) of Title 16 of the California Code of Regulations establishes a requirement that Smog Check stations operating in basic and change of ownership areas of California have a TAS that meets the April 1996 specifications set forth by the BAR. It is this section that describes the BAR-90 TAS.

Section 3340.17(b) of Title 16 of the California Code of Regulations establishes a requirement that Smog Check stations operating in an enhanced area of California have an EIS that meets the May 1996, as revised through December 2001, specifications set forth by the BAR. This section describes the BAR-97 EIS.

Section 3340.17(c) of Title 16 of the California Code of Regulations sets forth the operational and maintenance requirements for repair and diagnostic equipment used in Smog Check stations.

Section 3340.17(d) of Title 16 of the California Code of Regulations specifies the proper operating environment for emissions inspection systems and test analyzer systems.

Section 3340.17(e) of Title 16 of the California Code of Regulations requires that the emissions analyzers be calibrated only with BAR certified gases.

Section 3340.17(f) of Title 16 of the California Code of Regulations specifies who shall have access to the emissions inspection systems or test analyzer systems for repair purposes.

Section 3340.17(g) of Title 16 of the California Code of Regulations authorizes the BAR to disconnect emissions inspection systems and test analyzer systems that do not meet the BAR's specifications from the centralized computer database.

Section 3340.42 of Title 16 of the California Code of Regulations specifies the vehicle inspection protocols to be used in Smog Check stations.

Effect of Regulatory Action:

(A) Amend Section 3340.17

This action *amends* subsection (a) of Section 3340.17 by adding paragraph (2), which requires that Smog Check stations operating in basic or change-of-ownership areas must update their emissions analyzer to a BAR-97 EIS (without the dynamometer) by July 1, 2003.

In simpler terms, this amendment means that the BAR-90 TAS used by Smog Check stations located in basic or change-of-ownership areas must be replaced with the BAR-97 EIS with updated software, but without the dynamometer, by July 1, 2003.

(B) Amend Sections 3303.2, 3340.1, 3340.15, 3340.16, 3340.16.6, 3340.18, 3340.32, 3340.41 and 3340.42

This action also makes grammatical, editorial, technical and conforming changes to various other sections.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to Any Local Agency or School district for Which Government code Section 17561 Requires Reimbursement: None.

Businesses Impact:

The BAR has made an initial determination that the proposed action may have a significant adverse economic impact on businesses. It is very unlikely that the ability of California businesses to compete with businesses in other states will be affected by this proposed action because California Smog Check stations are authorized to inspect vehicles registered in California and those vehicles seeking California registration.

The following types of business would be affected:

- (A) Smog Check stations operating in other than the enhanced program areas of the state.

The following reporting, recordkeeping or other compliance requirements are projected to result from the proposed action:

- (A) Smog Check stations operating in other than the enhanced program areas of the state will be required to purchase a BAR 97 EIS (without a dynamometer).

The BAR has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit such proposals. Submissions may include the following considerations:

- (A) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (B) Consolidation or simplification of compliance and reporting requirements for businesses.
- (C) The use of performance standards rather than prescriptive standards.
- (D) Exemption or partial exemption from the regulatory requirements for businesses.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence, which supports this determination.

Impact on Jobs/New Businesses:

The BAR has determined that this regulatory proposal may eliminate the following types of existing businesses in California:

- Some Smog Check stations in basic and change-of-ownership program areas may cease operations rather than purchase a BAR-97 EIS. This scenario is unlikely because Smog Check stations in basic and change-of-ownership program areas usually do not rely wholly on Smog Check inspections and/or repairs to support their businesses. Rather, they offer Smog Check services to their client base as a convenience. In addition, stations may increase their inspection price to recoup their investment.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the BAR are:

- Smog check stations operating in other than the enhanced program areas will have to purchase a BAR-97 EIS (without the dynamometer) at an estimated cost of between \$15,000 and \$18,000.
- Private individuals or entities (consumers) could be affected by these regulations since the required purchase of equipment may cause Smog Check stations to increase the price of a Smog Check inspection to recoup the expense. The BAR estimates that such an increase should not exceed \$10 per Smog Check inspection.

Effect on Housing Costs: None.

Effect on Small Business:

The BAR has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The BAR must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The BAR has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10240 Systems Parkway, Sacramento, California 95827.

AVAILABILITY AND LOCATION OF THE
RULEMAKING FILE AND THE FINAL
STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the Bureau of Automotive Repair at the address mentioned above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

James Allen, Regulations Analyst
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-4300
Fax No.: (916) 255-1369
E-mail: jim_allen@dca.ca.gov

The backup contact person is:

Debbie Romani, Staff Services Manager
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-4300
Fax No.: (916) 255-1369
E-mail: debbie_romani@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Kurt Heppler, who may be contacted at (916) 255-3222.

WEBSITE ACCESS

Materials regarding this proposal can also be found on the BAR's website at www.smogcheck.ca.gov.

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PROPOSED RULEMAKING

RESPITE CARE RATE INCREASE

The California Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations (CCR), Division 2, Chapter 3, Subchapter 7, Article 5, Section 57332, Maximum Rates of Reimbursement for Non-Residential Services.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DDS. The written comment period closes at 5:00 p.m. on November 19, 2002. DDS will only consider comments received at its headquarters by that time. Please submit all comments to the DDS contact person as designated in the Notice.

NO PUBLIC HEARING

No public hearings are scheduled for this rulemaking. However, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8 of the California Government Code.

AUTHORITY AND REFERENCE

Authority: Section 4690, Welfare and Institutions Code.

Reference: Sections 4648(a), and 4690, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Title 17, California Code of Regulations (CCR), Division 2, Chapter 3: Community Services, Subchapter 7: Nonresidential Service, Vendor Rate-Setting Provisions, Article 5: Rates of Reimbursement Based on the Schedule of Maximum Allowance or the Vendor's Usual and Customary Rate

Welfare and Institutions Code, Section 4690 mandates DDS to establish, maintain, and revise an equitable process for setting rates of state payment for nonresidential services. Title 17 establishes the maximum reimbursement rate for in-home respite care workers and respite facilities.

The Department proposes to ensure the continued availability and quality of care by increasing the wages and benefits for in-home respite care workers and respite facilities.

Section 57332 (c)(3)(A)—Maximum Rates for Reimbursement for Non-Residential Services—In-Home Respite Worker—Service Code 864

The Department proposes to increase the maximum reimbursement rate for in-home respite workers providing respite services to \$8.98 per hour, including benefits, effective September 1, 2002. This rate is calculated to provide for a minimum wage of \$6.75 plus \$0.81, plus benefits calculated at 18.75% (\$1.42). This proposal is intended to maintain an \$0.81 differential above minimum wage (plus 18.75% benefits) originally authorized by the Legislature in FY 1990–91.

Section 57332 (c)(9)(A)(2)(a)—Maximum Rates for Reimbursement for Non-Residential Services—Respite Facility—Service Code 869

The Department proposes to increase the maximum reimbursement rate for respite facilities providing respite services to \$8.98 per hour, including benefits, effective September 1, 2002. This rate is calculated to provide for a minimum wage of \$6.75 plus \$0.81, plus benefits calculated at 18.75% (\$1.42). This proposal is intended to maintain an \$0.81 differential above minimum wage (plus 18.75% benefits) originally authorized by the Legislature in FY 1990–91.

EFFECT ON SMALL BUSINESS

DDS has determined that the proposed regulations may affect small businesses.

**LOCAL MANDATE AND FISCAL
IMPACT DETERMINATIONS**

DDS has determined that the proposed regulatory action does not impose: 1) a mandate on local agencies or school districts, 2) significant costs or savings to any state agency, 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630, 4) other nondiscretionary costs or savings imposed on local agencies, or 5) costs or savings in federal funding to the state.

**ECONOMIC IMPACT AND
BUSINESS ASSESSMENT**

The proposed action has been assessed relative to the extent that it will create new jobs within the State of California, help in the creation of new business within the State and the expansion of businesses currently doing business within the State of California. Based on DDS's findings it is anticipated that the proposed action will have no economic effect on the creation of new jobs and new businesses within the state, nor on the expansion of businesses currently doing business within the State of California. DDS has also determined this proposed action will not eliminate jobs or existing businesses.

DDS has determined that the proposed regulations will not have: 1) a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states, or 2) a significant effect on housing cost. DDS is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ALTERNATIVES CONSIDERED

DDS must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

CONTACT PERSON

General and substantive inquiries concerning the proposed action may be directed to:

Department of Developmental Services
Community Rate Section
1600 Ninth Street, Room 310
Sacramento, CA 95814
Attention: Mayra Jimenez
Phone: (916) 654-1608
Facsimile: (916) 654-1578
E-mail Address: mjimenez@dds.ca.gov

If the above person is unavailable, you may also contact Glenda Davis, Chief, Community Rate Section at (916) 654-2201.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

DDS has prepared and has copies ready for public review an Initial Statement of Reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the exact text of the proposed regulations.

Copies of the Notice, Initial Statement of Reasons and text of the proposed regulations will be made available through DDS's website at www.dds.ca.gov. All other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact persons at the above address. Upon completion, the Final Statement of Reasons will be made available by either contacting the persons above or through DDS's website.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After close of the comment period DDS may adopt the proposed regulations as described in this notice. If DDS makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before DDS adopts the regulations as revised. Requests for the modified text should be made to the contact person named above.

**TITLE 21. DEPARTMENT
OF TRANSPORTATION**

**DIVISION 2.5, CHAPTER 2.1. SCHOOL SITE
EVALUATION CRITERIA.**

NOTICE OF PROPOSED RULEMAKING

The Department of Transportation ("Department") proposes to adopt the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to add Chapter 2.1 and adopt section 3570 in Title 21, Division 2.5 of the California Code of Regulations. This section pertains to criteria the Department uses to evaluate a proposed school site as required in Education Code section 17215.

PUBLIC HEARING

The Department will hold a public hearing starting at 10:00 a.m. on November 19, 2002, at 1120 N Street, Sacramento, California. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It's requested, but not required, that persons making oral comments at a hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action to the Department at the addresses listed under Contact Person in this Notice. Written comments may be sent by mail, facsimile, or email. The written comment period closes at 5:00 p.m. on November 19, 2002. Comments received after this date and time will not be accepted or considered.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Education Code section 17215 and to implement, interpret, or make specific Education Code section 17215, the Department proposes to add section 3570 in new Chapter 2.1 of Title 21 to set forth the criteria by which it evaluates a proposed school site.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Education Code section 17215 has for many years required the Department to investigate and submit its written recommendations regarding a school district's proposed acquisition of property for a school site that would be within two miles of an airport runway. Education Code section 17215 now also requires the Department to adopt regulations setting forth the criteria by which it evaluates that proposed school site. Since no such regulations currently exist, the Department proposes these new regulations to fulfill that requirement.

New section 3570 would provide necessary technical definitions and would set forth criteria that the Department considers in its evaluation of a proposed school site.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency of school district which must be reimbursed in accordance with Government Code section 17561: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

The Department has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Assessment regarding the creation or elimination of jobs in California: The Department has determined that the adoption of these regulations will neither: (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, nor (3) affect the expansion of businesses currently doing business in California.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations do not affect small businesses since the regulations do not change whether a small business is legally required to comply with the regulation or is legally required to enforce the regulation or derives a benefit from the regulation or incurs a detriment from the enforcement of the regulation.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above mentioned hearing or during the written comment period.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

Department of Transportation is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

CONTACT PERSON

Questions concerning the substance of this proposed rulemaking and any communications required by this

Notice should be directed to Mr. Kurt Haukohl, Aviation Consultant, Division of Aeronautics MS #40, Department of Transportation, using one of the following addresses or phone numbers:

mailing address: P.O. Box 942873
Sacramento, CA 94273-0001

office address: 1120 N Street, Room 3300
Sacramento, CA 95814

overnight mail
shipping address: 1415 11th Street
Sacramento, CA 95814

Telephone: (916) 654-5284

Facsimile: (916) 653-9531

Email: [Kurt.O.Haukohl @ dot.ca.gov](mailto:Kurt.O.Haukohl@dot.ca.gov)

The back-up contact person is Ms. Elizabeth Eskridge at the addresses and facsimile above or by phone: (916) 654-5203 or email: Elizabeth.Eskridge@dot.ca.gov.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office address above. To schedule a review of the rulemaking file, contact the person listed under Contact Person above. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice; the proposed text of the regulations; the initial statement of reasons; the California Airport Land Use Planning Handbook, January 2002; and Federal Aviation Administration Advisory Circular 150/5300-13, Airport Design, 9/29/89 including through Change 6, 9/30/00. Copies of these may be obtained by contacting the Contact Person at the addresses and phone numbers listed above. There is a \$20 fee for a hardcopy of the California Airport Land Use Planning Handbook, January 2002. Text of this Notice; the proposed regulations; the initial statement of reasons; the modified text of the regulations, if any; the California Airport Land Use Planning Handbook, January 2002; and Federal Aviation Administration Advisory Circular 150/5300-13, Airport Design, 9/29/89 including through Change 6, 9/30/00, can be found by clicking on the "Proposed Regulations" icon at <http://www.dot.ca.gov/hq/planning/aeronaut>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If modifications are made which

are sufficiently related to the originally proposed text, the modified text—with changes clearly indicated—shall be made available to the public for at least 15 days prior to the date on which the Department adopts the regulations. Requests for copies of any modified regulations should be sent to the Contact Person listed above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, you may obtain a copy of the Final Statement of Reasons by submitting a written request to the Contact Person listed above.

TITLE 22. DEPARTMENT OF CHILD SUPPORT SERVICES

NOTICE OF PROPOSED ACTION

R-23-02-E

Director Qualifications

Proposed Permanent Regulations

NOTICE IS HEREBY GIVEN that the Department of Child Support Services (DCSS) has adopted these regulations on an emergency basis effective August 14, 2002; and now proposes to adopt them as permanent regulations amending Division 13 of Title 22 of the California Code of Regulations commencing with Section 111560. These regulations establish director qualifications.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Family Code Section 17304(f) requires the DCSS to establish qualifications for the administrator of each local child support agency. An administrator meeting those qualifications shall be selected by the board of supervisors of the county or, in the case of a city and county, selected by the mayor. Section 17304(a) gives the DCSS the authority to regionalize local child support agencies, in consultation with counties, where appropriate.

These regulations interpret, implement and make specific Section 17304, by: 1) identifying the appointing power for the administrator, whether employed by a county, city and county, or regionalized agency; 2) setting forth minimum qualifications, including educational criteria, employment background, and skill sets, necessary to meet the demands of the position.

Chapter 1. Program Administration.

Subchapter 1. Operations.

Article 7. Staff Requirements.

Section 111560. Director Qualifications.

This section has been adopted to specify the qualification requirements and employment criteria for the administrator (Title IV-D director) of a local child support agency.

This regulation is also consistent with Family Support Division Letter No. 00-06, "Local Agency Transition—Administrator Appointments." For clarity and consistency, the Department has established the title of director for the party who oversees the administration of a local child support agency.

Authority: Sections 17306, 17310 & 17312, Family Code.

Reference: Section 17304, Family Code.

PUBLIC COMMENT PERIOD

Written public comments presenting statements, arguments, or contentions relating to the text of the proposed regulations will be accepted for a period of forty-five (45) days beginning on October 4, 2002 and ending at 5 p.m. on November 18, 2002. Public comments will be accepted by any of the following means:

1. Mailed to:
Dept. of Child Support Services
Attn: Regulations Coordinator
P.O. Box 419064
Rancho Cordova, CA 95741-9064
2. Faxed to:
Dept of Child Support Services
Attn: Regulations Coordinator
(916) 464-5069
3. E-mailed to the Regulations Coordinator:
Lucila.Ledesma@dcss.ca.gov

PUBLIC HEARING

No public hearing is scheduled. Pursuant to the provisions of Government Code Section 11346.8, any interested party may request that a public hearing be scheduled. The request must be in writing and received at the above addresses for the DCSS Regulations Coordinator no later than fifteen (15) days prior to the close of the public comment period.

CONTACTS

Copies of documents and general information regarding this rulemaking may be secured by contacting Lucila Ledesma the Regulations Coordinator at 916-464-5087.

In case you are unable to reach the Regulations Coordinator, the DCSS alternative contact person for general information about this rulemaking is Donna Hershkowitz at 916-464-5181.

If you have a substantive question regarding the content of this rulemaking, you may contact Tonya Crawford-Comage, Supervisor of the Financial Management Policy Section at 916-464-5055.

HOW TO GET COPIES OF RULEMAKING DOCUMENTS

Copies of the full text of the proposed regulations, an initial statement of reasons, and all information on which this rulemaking is based may be secured from the DCSS Regulations Coordinator at the above addresses. Some of these documents are also available on the Department's public website at www.childsup.cahwnet.gov/.

The full text of a regulation changed pursuant to Government Code Section 11346.8 will be available for at least fifteen (15) days prior to the date on which DCSS adopts the resulting regulation. During that period, it may also be secured from the DCSS Regulations Coordinator at the above addresses.

Once the final statement of reasons becomes available it may also be secured from the contact persons identified above.

IMPACT ON INDIVIDUALS AND BUSINESSES

The Department is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. These regulations impact the local child support agencies only.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would not affect small business. Small business would not be required to comply with or enforce these regulations nor are they expected to incur either benefits or detriments from them.

LOCAL MANDATE

The Department has determined that the regulations would not impose a mandate on local agencies or school districts.

FISCAL IMPACTS

- A. Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) Division 4: None.
- B. Cost or Savings to Any State Agency: None.
- C. Cost or Savings in Federal Funding to the State: None.
- D. Other Nondiscretionary Costs or Savings Imposed on Local Agencies: None.

IMPACT ON HOUSING COSTS

The Department has determined that these regulations will have no impact on housing costs.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which these regulations are being implemented or would be as effective and less burdensome to affected private persons than these regulations.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

NOTICE OF PROPOSED CHANGES IN REGULATIONS

ITEM # 1 FOOD STAMP REAUTHORIZATION ACT OF 2002 ORD #0802-19

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 19, 2002, as follows:

November 19, 2002
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the

hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 19, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Chapter 63-400 (Eligibility Standards), Sections 63-403 (California Food Assistance Program [CFAP]), 63-405 (Citizenship or Eligible Noncitizen Status), and 63-409 (Income and Resource Maximums); and Chapter 63-500 (Eligibility Determinations), Section 63-502 (Income, Exclusions and Deductions).

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

On May 13, 2002, Public Law 107-171, the Farm Security and Rural Investment Act of 2002 was signed into law. This Act contains the Food Stamp Reauthorization Act of 2002, which legislates mandatory changes to the Food Stamp Act of 1977. Most of these mandatory changes must be implemented effective October 1, 2002.

These proposed regulatory amendments implement mandatory federal changes to the Food Stamp Program to restore certain disabled noncitizens to federal food stamp eligibility (Food Stamp Reauthorization Act of 2002, Section 4401); increase the resource limit for households with a disabled member from \$2,000 to \$3,000 (Food Stamp Reauthorization Act of 2002, Section 4107); and restructure the Standard Deduction from one amount for all households to 8.31 percent of the net income limit, which varies based on household size (Food Stamp Reauthorization Act of 2002, Section 4103).

Without these regulations in place on October 1, 2002, California would be out of compliance with federal law. This would leave California at risk of legal action from individuals who have not been granted benefits. California would also be at risk of an increased food stamp payment accuracy error rate and increased financial penalties.

State law requires that the California Food Assistance Program (CFAP) be in conformity with federal law for the Food Stamp Program. Therefore, without these regulations in place on October 1, 2002, CFAP would be out of compliance with State law.

COST ESTIMATE

1. Costs or Savings to State Agencies: Savings of approximately \$23,400,000 in the current SFY. Additional cost of approximately \$2,100,000 to Food Stamp Administration in the current SFY.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$2,900,000 in the current SFY.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not school districts. There are no "state-mandated local costs" in these regulations, which require federal and state reimbursement due to increased administrative costs under Section 17500 et seq. of the Government Code. The local agencies, State, and federal agencies share administrative costs. Increased costs in benefits are paid entirely by the federal government.

**STATEMENT OF SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**STATEMENT OF POTENTIAL COST IMPACT
ON PRIVATE PERSONS OR BUSINESSES**

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

**ASSESSMENT OF JOB CREATION
OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, and 18904. Subject regulations implement and make specific Sections 4103, 4107, and 4401 of the Food Stamp Reauthorization Act of 2002.

**CDSS REPRESENTATIVE REGARDING
RULEMAKING PROCESS OF THE
PROPOSED REGULATION**

Contact Person: Anthony J. Velasquez
(916) 657-2586

Backup: Richard P. Torres
(916) 657-2659

**CDSS REPRESENTATIVE REGARDING
SUBSTANCE OF THE PROPOSED REGULATION**

Program Contact: Rebecca Fuller
(916) 654-5709

Backup: Mike Papin
(916) 654-1880

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into the State contracts. The prospective contractors signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

DISAPPROVAL DECISIONS

**DECISIONS OF DISAPPROVAL OF
REGULATORY ACTIONS**

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are published in full in the California Code of Regulatory Decisions. You may request a copy of a decision by contacting Mike Ibold, Law Librarian at the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, California 95814-4339, (916) 323-8906—FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
OAL File No. 02-0805-01 S**

BARBARA ECKARD
Senior Staff Counsel

For: DAVID B. JUDSON
Deputy Director/Chief Counsel

In re:

**EMERGENCY MEDICAL SERVICES AUTHORITY
REGULATORY ACTION: Title 22, California
Code of Regulations**

**Adopt Sections: 100031, 10039, 100042, 100043
Amend Sections: 100031, 100032, 100033,
100034, 100035, 100036, 100038, 100040, 100041
Repeal Sections: 100037, 100039, 100043**

DECISION SUMMARY

The regulatory action deals with training standards and use of automated external defibrillators by non-licensed or non-certified personnel. On September 17, 2002, the Office of Administrative Law ("OAL") notified the Emergency Medical Services Authority ("EMSA") that the regulatory action was disapproved for incorrect procedure.

September 24, 2002

Original: Richard Watson, Director
Cc: Sean Trask

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
OAL File No. 02-0731-03 C**

CRAIG S. TARPENNING
Senior Staff Counsel

For: DAVID B. JUDSON
Deputy Director/Chief Counsel

In re:

OFFICE OF EMERGENCY SERVICES

Title 19

**Adopt Sections 2575, 2575.1, 2575.2, 2576,
2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4,
2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1,
2578.2 of the California Code of Regulations**

SUMMARY OF REGULATORY ACTION

This filing is a certificate of compliance for emergency regulations which established procedures to ensure the timely submission of inundation maps adequate for the purpose of evacuation planning in the event a dam fails. On September 12, 2002, the Office of Administrative Law ("OAL") disapproved this certificate of compliance for the following reasons: the

Notice of Proposed Action ("NOPA") was not published in the California Regulatory Notice Register; the NOPA did not give adequate notice of the public hearing; the NOPA does not have the required adverse economic impact finding and cost description, nor the assessment required by section 11346.5(a)(10) of the Government Code; the rulemaking file does not contain an initial statement of reasons; the statements of mailing are inadequate; the rulemaking file does not contain an adequate transcript, recording, or minutes of the public hearing; the STD 399 form was not signed and may not be accurate; the rulemaking file does not contain a document which is incorporated by reference; the STD 400 form is incomplete; and the regulation fails to comply with the necessity, clarity and consistency standards of the Administrative Procedure Act. On September 12, 2002, OAL also approved the readoption of the underlying emergency regulations which had been revised by OES to address the clarity and consistency problems discussed herein.

September 19, 2002

Original: Dallas Jones, Director
Cc: Robert M. Mead

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF CHIROPRACTIC EXAMINERS

Persons Hired by or Under Contract with the Board

In this regulatory action, the Board of Chiropractic Examiners amends its existing regulation pertaining to providing legal representation in civil actions for certain persons, not regular employees of the Board, who provide specified services for the Board. The regulation is amended to include a person who performs investigations for the Board in the evaluation of the conduct of a licensee or the administration of a Board examination and is then named as a defendant in a civil action directly resulting from the investigations conducted.

Title 16
California Code of Regulations
AMEND: 306.2
Filed 09/23/02
Effective 10/23/02
Agency Contact:
Lavella Mathews (916) 263-6465

BOARD OF EQUALIZATION

Exchange of Information

This section on exchange of information for local equalization hearings is being amended to conform with changes to Revenue and Tax Code section 1606 by Stats. 2001, Ch. 407 (SB 1181).

Title 18
California Code of Regulations
AMEND: 305.1
Filed 09/19/02
Effective 09/19/02
Agency Contact: Diane G. Olson (916) 322-9569

DEPARTMENT OF CORPORATIONS

Clean-up Non-substantive Amendments

The Department of Corporations is basically removing language pertaining to the Knox-Keene Health Care Service Plan Act of 1975 due to the fact that the administration thereof was transferred to the Department of Managed Care (Ch. 525, Stats. 1999), correcting various typographical errors which took place over time, address change for the Department of Corporations, changing California Administrative Code references to California Code of Regulations, and removing the requirement for the maintenance of an eligible securities list identifying securities meeting a repealed exemption from qualification for nonissuer transactions for securities on a national exchange certified by the Commissioner of the Department of Corporations (Ch. 391, Stats. 1997).

Title 10
California Code of Regulations
AMEND: 250.9.1(a), 250.12(a), 250.51, 350.60(a), 260.001, 260.100.1, 260.100.3, 260.102.4(b), 260.102.8(b), 260.102.16, 260.103, 260.105.28, 260.105.33, 260.111, 260.112, 260.113, 260.121, 260.131, 260.140.71.2, 260.140.87(e), 260.140.110.2, 260.140.1
Filed 09/25/02
Effective 10/25/02
Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF HEALTH SERVICES

Varicella (Chickenpox) Immunization

This emergency rulemaking incorporates varicella (chickenpox) within the current immunization regulations, and provides guidance for the implementation and documentation of this immunization, as well as exemptions from the requirement.

Title 17
California Code of Regulations
AMEND: 6020, 6025, 6035, 6050, 6051, 6065, 6070, 6075
Filed 09/24/02
Effective 09/24/02
Agency Contact:
Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF INSURANCE

Direct Repair Programs and Auto Body Shop Labor Rate Surveys

This action defines terms and clarifies procedures, including reporting to the Department and making available to the public the results of auto body repair labor rate surveys conducted in conjunction with insurers' "direct repair programs," pursuant to Insurance Code section 758 (SB 1988), chapter 867, Statutes of 2000.

Title 10
California Code of Regulations 2698.90, 2698.91
Filed 09/25/02
Effective 10/25/02
Agency Contact:
Teresa Campbell (415) 538-4126

DEPARTMENT OF JUSTICE

Prepaid Rental Listing Service Bond

The Department of Justice has approved a new surety bond form (sec. 61.8) from the Department of Real Estate for Prepaid Rental Listing Service. It is to be filed pursuant to Governor's decisions of 1981 and 1982.

Title 11
California Code of Regulations
ADOPT: 61.8
Filed 09/18/02
Effective 09/18/02
Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF PESTICIDE REGULATION

Methyl Bromide Field Fumigation

This unusual emergency action repeals and readopts the current regulations on methyl bromide field fumigation in response to a court order that declares the current regulations invalid for failure of the Department of Pesticide Regulation to consult with the Department of Food and Agriculture prior to publication of the notice of proposed rulemaking that preceded adoption or amendment of the regulations as filed with the Secretary of State on December 15, 2000.

Title 3
California Code of Regulations
ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784
AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784

Filed 09/19/02
 Effective 09/22/02
 Agency Contact:
 Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF REAL ESTATE
Prepaid Rental Listing Service

This regulatory action adopts the cash deposit security form and the bond form for prepaid rental listing services.

Title 10
 California Code of Regulations
 AMEND: 2851, 2851.1
 Filed 09/19/02
 Effective 10/19/02
 Agency Contact: David B. Seals (916) 227-0789

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Restoration of Universal Waste Rule Enforcement Authority

This action narrows the exemption of universal waste from regulation as hazardous waste in order to make enforcement provisions included in Article 8 of Chapter 6.5 [Hazardous Waste Control] applicable to universal waste.

Title 22
 California Code of Regulations
 AMEND: 66261.9
 Filed 09/23/02
 Effective 09/23/02
 Agency Contact:
 Bonnie Amoruso (916) 322-2833

FISH AND GAME COMMISSION
Resident and Upland Game birds and North Coast Canada Goose

This regulatory action amends the permit quotas for resident and upland game birds and north coast canada geese.

Title 14
 California Code of Regulations
 AMEND: 300(a) REPEAL: 502.1
 Filed 09/18/02
 Effective 09/18/02
 Agency Contact: John M. Duffy (916) 653-4899

OCCUPATIONAL SAFETY AND HEALTH (CAL-OSHA) DIVISION
Employer's Report of Occupational Injury or Illness

This action would amend the Employer's Report of Occupational Injury or Illness adding provisions regarding the confidentiality of employee information.

Title 8
 California Code of Regulations
 AMEND: 14004, 14005

Filed 09/19/02
 Effective 10/19/02
 Agency Contact:
 Robert Nakamura (415) 703-5160

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Liquefied Natural Gas

This emergency rulemaking action requires continuous monitoring for natural gas leaks during refueling.

Title 8
 California Code of Regulations
 AMEND: 451, 527
 Filed 09/25/02
 Effective 09/25/02
 Agency Contact: Marley Hart (916) 274-5721

STATE MINING AND GEOLOGY BOARD
Designated Lands Petition Procedures

This rulemaking makes clarifying changes, and adds timelines for the Board's procedures for receiving and hearing petitions submitted for the issuance or denial of a permit to conduct surface mining operations.

Title 14
 California Code of Regulations
 AMEND: 3626, 3627, 3628
 Filed 09/19/02
 Effective 10/19/02
 Agency Contact:
 John G. Parrish (916) 322-1082

STATE WATER RESOURCES CONTROL BOARD
Address Change, Udate Year, Update Cross-Reference

This action makes various editorial, nonsubstantive changes, including an address change, a form update, and reference to a regulation.

Title 23
 California Code of Regulations
 AMEND: 645, 717(c), 767(b)
 Filed 09/25/02
 Effective 09/25/02
 Agency Contact:
 Patricia Meroney (916) 341-5354

STATE WATER RESOURCES CONTROL BOARD
Update Bacteria Objectives for REC-1 Waters

This action under Government Code section 11353 revises the LA Basin Plan to update the bacteria water quality objectives for all waters designated for REC-1 (recreational uses with contact). The revised objectives add other bacteria indicator to be monitored based on EPA standards and a comprehensive Santa Monica Bay study.

Title 23
 California Code of Regulations
 AMEND: 3937

Filed 09/19/02
Effective 09/19/02
Agency Contact: Greg Frantz (916) 341-5553

STRUCTURAL PEST CONTROL BOARD
False and Misleading Advertisement

This action makes an editorial correction to an incorrect statutory reference.

Title 16
California Code of Regulations
AMEND: 1999.5
Filed 09/24/02
Effective 10/24/02
Agency Contact:
Delores Coleman (916) 263-2540

CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN MAY 22, 2002 TO
SEPTEMBER 25, 2002

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

09/16/02 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107
09/12/02 AMEND: 18110, 18401, 18404.1, 18451, 18540, 18705.4, 18997
09/09/02 AMEND: 1859.92, 1859.104, 1859.105, 1859.107
08/19/02 ADOPT: 18535
08/14/02 ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8
08/12/02 ADOPT: 1859.71.2, 1859.78.4, 1859.108
AMEND: 1859.50, 1859.70 1859.72, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107
08/12/02 ADOPT: 57.1, 57.2, 57.3, 57.4
08/07/02 ADOPT: 59000
07/31/02 ADOPT: 18450.1
07/25/02 AMEND: 2970
07/11/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210,

1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.219, 1859.220

07/11/02 AMEND: 18707.4
07/11/02 AMEND: 554.6
06/27/02 ADOPT: 18450.3, 18450.4, 18450.5
AMEND: 18402
06/27/02 ADOPT: 2351
06/25/02 AMEND: 1189.10
06/20/02 REPEAL: 548.96
06/20/02 AMEND: 561.2, 561.3
06/17/02 AMEND: 18239, 18615, 18616
06/06/02 ADOPT: 18572
05/28/02 ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370
05/22/02 AMEND: 571(a)(5)

Title 3

09/19/02 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784
09/10/02 AMEND: 3700(c)
09/09/02 AMEND: 6414
08/30/02 AMEND: 3423(b)
08/29/02 AMEND: 1408.3
08/19/02 ADOPT: 3664, 3665, 3666, 3667, 3668, 3669
08/14/02 AMEND: 6172, 6192, 6200, 6252
08/13/02 AMEND: 3423(b)
07/25/02 AMEND: 3423(b)
07/23/02 ADOPT: 7015
07/18/02 AMEND: 6000, 6710
07/11/02 AMEND: 3700(b)
07/03/02 AMEND: 1392.1, 1392.2, 1392.4, 1392.9.1
07/01/02 ADOPT: 1180.3.1, 1180.3.2 AMEND: 300(c)
06/20/02 REPEAL: 3431, 3591.17
06/13/02 ADOPT: 1366
06/13/02 AMEND: 2303(t)
06/11/02 AMEND: 3425(b)
06/10/02 AMEND: 3406(b)
06/10/02 AMEND: 6391, 6393, 6394, 6395
06/04/02 AMEND: 3591.16(a)
05/29/02 AMEND: 1380.19, 1436.38, 1446.7, 1454.14, 1462.15

Title 4

09/12/02 ADOPT: 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125
09/03/02 AMEND: 1107
08/15/02 ADOPT: 4144
08/13/02 AMEND: 7000, 7001, 7002, 7003, 7003.5, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.1, 7013.5, 7014, 7015, 7016, 7017

08/08/02 AMEND: 8072, 8074
 07/30/02 AMEND: 2050
 07/08/02 AMEND: 2049
 07/01/02 ADOPT: 12100, 12102, 12104, 12106,
 12108, 12110, 12120, 12130

Title 5

08/15/02 ADOPT: 11980, 11981, 11982, 11983,
 11984, 11985,
 08/13/02 ADOPT: 11969.10 REPEAL: 11969.9
 07/31/02 AMEND: 30950, 30951.1, 30952, 30953,
 30954, 30955, 30956, 30957, 30958,
 30959
 07/30/02 ADOPT: 11969.1, 11969.2, 11969.3,
 11969.4, 11969.5, 11969.6, 11969.7,
 11969.8, 11969.9
 07/29/02 AMEND: 3051.16, 3065
 07/15/02 AMEND: 80105, 80109, 80110, 80111,
 80112, 80113, 80114, and 80115
 07/12/02 AMEND: 51010, 53000, 53001, 53002,
 53003, 53004, 53005, 53006, 53020,
 53021, 53022, 53023, 53024, 53025,
 53026, 53027, 53030, 53033, 53034
 06/28/02 ADOPT: 11983.5
 06/11/02 AMEND: 11530, 11531
 06/05/02 AMEND: 59311, 59328, 59342

Title 8

09/25/02 AMEND: 451, 527
 09/19/02 AMEND: 14004, 14005
 09/12/02 AMEND: 1671.2
 09/09/02 ADOPT: 13635.1, 13655, 13656, 13657,
 13658, 13659 AMEND: 13630, 13631,
 13632, 13633, 13634, 13635,
 13637, 13638, 13639, 13640, 13641,
 13642, 13643, 13644, 13645,
 13646, 13647, 13648, 13649, 13650,
 13651, 13652, 13653, 13654
 09/03/02 ADOPT: 20299
 08/26/02 ADOPT: 340.40, 340.41, 340.42, 340.43,
 340.44, 340.45, 340.46 340.47, 340.48,
 340.49, 340.50, 340.51, 340.52
 08/05/02 AMEND: 3362
 07/31/02 AMEND: 4799
 07/30/02 ADOPT: 290.0, 290.1, 291.0, 291.1,
 291.2, 291.3, 291.4, 291.5, 292.0, 293.0,
 294.0, 295.0
 07/11/02 AMEND: 3241(a)
 07/01/02 ADOPT: 417.5 AMEND: 406,
 411.1, 415, 417.3 REPEAL: 411.2, 411.3,
 411.4
 06/20/02 AMEND: 3700, 3702
 06/18/02 AMEND: 5189
 06/12/02 AMEND: 9791.1, 9792.5, 9793, 9795
 06/03/02 AMEND: 4885
 06/03/02 AMEND: 5034(f)
 05/28/02 AMEND: 3650, 3664

Title 9

07/31/02 ADOPT: 9851, 9874 AMEND: 9800,
 9846, 9852, 9854, 9856, 9858, 9867,
 9876, 9884, 9886 REPEAL: 9857
 06/28/02 ADOPT: 9526, 9531 AMEND: 9500,
 9505, 9515, 9530, 9535

Title 10

09/25/02 ADOPT: 2698.90, 2698.91
 09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51,
 350.60(a), 260.001, 260.100.1,
 260.100.3, 260.102.4(b), 260.102.8(b),
 260.102.16, 260.103, 260.105.28,
 260.105.33, 260.111, 260.112, 260.113,
 260.121, 260.131, 260.140.71.2,
 260.140.87(e), 260.140.110.2, 260.140.11
 09/19/02 AMEND: 2851, 2851.1
 08/30/02 AMEND: 5101
 08/29/02 AMEND: 2698.200, 2698.201, 2698.301,
 2698.302
 08/28/02 AMEND: 2698.73
 08/28/02 ADOPT: 2278, 2278.1, 2278.2,
 2278.3, 2278.4, 2278.5
 08/27/02 AMEND: 2632.5(d)(11)
 08/20/02 ADOPT: 1729, 1741.5, 1950.302
 AMEND: 1741.5
 08/19/02 AMEND: 2130.3
 08/15/02 ADOPT: 5480, 5480.1, 5480.2, 5480.3,
 5480.4, 5480.5, 5480.6, 5480.7, 5480.8
 08/12/02 AMEND: 2318.6, 2353.1
 08/12/02 AMEND: 2318.6
 08/05/02 REPEAL: 310.100.1
 07/10/02 ADOPT: 1422, 1423
 07/02/02 AMEND: 6070
 06/24/02 ADOPT: 2698.68
 06/20/02 AMEND: 2498.6
 06/20/02 ADOPT: 2729.5, 2790.6, 2846.1
 AMEND: 2790.1, 2791.8, 2792, 2800,
 2810, 2811, 2910, 2911, 2912, 2930
 06/17/02 ADOPT: 2193, 2193.1, 2193.2, 2193.3
 06/07/02 AMEND: 5.2001 and Appendix
 06/06/02 AMEND: 2698.70, 2698.71 REPEAL:
 01-1219-06 E
 06/03/02 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
 2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
 2192.10, 2192.11, 2192.12, 2192.13
 06/03/02 ADOPT: 2187.3 AMEND: 2186.1,
 2187.1, 2187.2

Title 11

09/18/02 ADOPT: 61.8
 08/29/02 AMEND: 3000, 3001, 3003, 3007, 3008
 08/27/02 AMEND: 1070, 1082
 08/13/02 AMEND: 1005
 07/02/02 ADOPT: 410, 411, 415, 416, 417, 418,
 419, 419.1, 419.2, 419.3, 420, 421, 422,

423, 424, 425, 426 REPEAL: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426

07/01/02 AMEND: 1081

06/27/02 AMEND: 987.1

06/19/02 ADOPT: 999.10, 999.11, 999.12, 999.13, 999.14, Appendix A

05/24/02 AMEND: 1005

Title 13

09/16/02 AMEND: 1960.1, 1960.5, 1961, 1962,

07/25/02 AMEND: 422.01

07/22/02 ADOPT: 2444.2 AMEND: 2111, 2112, 2139, 2140, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444, 2445.1, 2445.2, 2446

07/10/02 AMEND: 1213.1, 1230, 1239

07/05/02 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 225.30, 225.33, 225.36, 225.39, 225.42, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72

06/24/02 AMEND: 1270

06/24/02 ADOPT: 1962.1 AMEND: 1900, 1962

06/18/02 AMEND: 1

06/03/02 AMEND: 565

05/24/02 AMEND: 1900, 1960.1 (k), 1961, 1962 & the Incorporated Test Procedure

Title 13, 17

09/12/02 ADOPT: 1969, 60060.1, 60060.2, 60060.3, 60060.4, 60060.5, 60060.6, 60060.7

Title 14

09/19/02 AMEND: 3626, 3627, 3628

09/18/02 AMEND: 300(a) REPEAL: 502.1

09/12/02 ADOPT: 105.5 REPEAL: 195

09/12/02 AMEND: 120.3

09/09/02 AMEND: 550, 551, 552

09/09/02 ADOPT: 712

09/04/02 ADOPT: 104.1

08/28/02 ADOPT: 786.7, 786.8 AMEND: 786.0, 786.1, 786.2, 786.3, 786.4, 786.5, 786.6

08/26/02 ADOPT: 18090.0, 18090.1, 18090.2, 18090.3, 18091.1, 18092.0, 18093.0, 18093.1, 18094.0 AMEND: 18011

08/21/02 AMEND: 7.50 (b)(212)

08/13/02 ADOPT: 844.3, 844.4, 844.5 AMEND: 790, 840, 840.1, 841, 842, 843, 843.1, 843.2, 843.3, 843.4, 843.6, 843.7, 843.8, 843.9, 844, 844.1, 844.2, 844.6, 844.7, 845, 845.1, and 845.2

08/12/02 ADOPT: 150.02, 150.04

08/09/02 AMEND: 670.2

08/06/02 AMEND: 28.59

07/31/02 ADOPT: 50.00, 50.01, 50.02, 50.03, 51.00, 51.01, 51.02, 51.04, 51.05, 155.01, 155.05, 155.10 AMEND: 109

07/25/02 ADOPT: 18085, 18086, 18087, 18088 AMEND: 18011, 18056

07/25/02 AMEND: 791.7; Forms FG OSPR-1925, FG OSPR-1947, and FG OSPR-1972.

07/17/02 AMEND: 2090, 2105, 2420, 2425, 2530, 2690 renumbered to 2850

07/15/02 ADOPT: 916.13, 936.13, 956.13, 916.13.1, 936.13.1, 956.13.1, 916.13.2, 936.13.2, 956.13.2, 916.13.3, 936.13.3, 956.13.3, 916.13.4, 936.13.4, 956.13.4, 916.13.5, 936.13.5, 956.13.5, 916.13.6, 936.13.6, 956.13.6, 916.13.7, 936.13.7, 956.13.7, 916.13.8, 936

07/12/02 AMEND: 895.1, 898, 914.8, 934.8, 954.8, 916, 936, 956, 916.2, 936.2, 956.2, 916.9, 936.9, 956.9, 916.11, 936.11, 956.11, 916.12, 936.12, 956.12, 923.3, 943.3, 963.3, 923.9, 943.9, 963.9

06/28/02 ADOPT: 708 AMEND: 265, 308, 360, 361, 362, 363, 364, 365, 367, 368, 401, 555, 601, 711 REPEAL: 370, 371, 372, 373

06/27/02 ADOPT: 4971

06/25/02 AMEND: 7.50

06/24/02 AMEND: 791, 791.5, 791.7, 792, 793, 794, 795, 796, and 797.

06/20/02 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9

06/19/02 AMEND: 2135

06/19/02 AMEND: 2030

06/18/02 AMEND: 11900

06/13/02 ADOPT: 17402.5(c)(6), 17402.5(d)(3) AMEND: 17400, 17402, 17402.5

06/06/02 ADOPT: 749.1

06/05/02 AMEND: 1.1, 6159, 6170, 6170.5, 6171, 6179, 6184, 6185, 6200, 6206, 6222, 6243, 6254, 6255, 6262

05/30/02 AMEND: 1104.1

05/23/02 ADOPT: 52.10

05/22/02 AMEND: 1037.4, 1092.19

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06/21/02 AMEND: 18104.8, 18105.9, 18105.10, 21140

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08/27/02 ADOPT: 3375.5 AMEND: 3000, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3377

08/19/02 ADOPT: 3426

07/24/02 ADOPT: 3220.2, 3220.3 AMEND: 3220, 3220.1

07/12/02 AMEND: 3000, 3454, 3456, 3457, 3458, 3459, 3460, 3462, 3463, 3464

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09/24/02 AMEND: 1999.5
 09/23/02 AMEND: 306.2
 09/13/02 AMEND: 1811
 09/11/02 ADOPT: 1706.5, Article 5, Article 6, Article 7, Article 8, Article 10, Article 10.1. AMEND: 1703, 1704, 1705, 1706, 1706.1, 1707.1, 1707.3, 1708.2, 1708.3, 1708.4, 1709, 1710, 1715.6, 1716, 1716.1, 1716.2, 1717, 1717.1, 1717.2, 1717.4, 1718, 1718.1, 171
 09/10/02 AMEND: 331-12.2(e)
 09/10/02 AMEND: 1305, 1306, 1328
 09/09/02 AMEND: 438
 08/20/02 AMEND: 1382.3
 08/08/02 AMEND: 1707.2
 08/07/02 ADOPT: 4140, 4141, 4142, 4143
 08/01/02 ADOPT: 3367, 3368
 07/31/02 AMEND: 2473
 07/30/02 AMEND: 1399.523
 07/26/02 AMEND: 3340.16, 3340.16.5, 3340.17, 3340.32, 3340.42, 3340.50
 REPEAL: 3340.16.7
 07/17/02 AMEND: 1387.1
 07/03/02 AMEND: 3394.4 and 3394.6
 07/01/02 ADOPT: 638, 639, 640, 641
 06/12/02 ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND: 6, 7, 9, 9.1, 10, 11.5, 37, 50
 06/03/02 AMEND: 2034, 2036
 05/29/02 ADOPT: 980.1 AMEND: 974
 05/28/02 AMEND: 3340.42
 05/24/02 ADOPT: 832.06 AMEND: 832.05

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09/24/02 AMEND: 6020, 6025, 6035, 6050, 6051, 6065, 6070, 6075
 09/04/02 ADOPT: 94200, 94201, 94202, 94203, 94204, 94205, 94206, 94207, 94208, 94209, 94210, 94211, 94212, 94213, 94214
 08/29/02 AMEND: 57332
 08/22/02 ADOPT: 33001, 33002, 3303, 33004, 33005, 33006, 33007, 33008, 33010, 33011, 33012, 33013, 33014, 33015, 33025, 33050 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010
 08/20/02 ADOPT: 93112
 08/19/02 ADOPT: 94164, 94165 AMEND: 94010, 94011, 94153, 94155, 94163,
 08/08/02 AMEND: 58420
 08/08/02 AMEND: 30253
 07/22/02 ADOPT: 93105
 07/17/02 ADOPT: 2638 AMEND: 2500, 2502, 2505, 2551, 2552, 2553, 2596, 2614, 2626
 06/28/02 AMEND: 6508

06/10/02 AMEND: 90700, 90701, 90702, 90703, 90704, 90705 & to the tables in Section 90705

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09/19/02 AMEND: 305.1
 09/03/02 AMEND: 1541
 09/03/02 AMEND: 1540
 09/03/02 ADOPT: 1534
 08/20/02 AMEND: 1528
 08/19/02 AMEND: 1543
 07/02/02 ADOPT: 1533.2
 06/11/02 ADOPT: 255, 263, 264, 265 AMEND: 252, 254, 261, 304 REPEAL: 253, 256, 262
 06/11/02 ADOPT: 1123, 1124, 1161, 1178, 1435, 1436 AMEND: 1101, 1105, 1120, 1132, 1134, 1420, 1422, 1430 REPEAL: 1103, 1104, 1106, 1107, 1108, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1131, 1133, 1151, 1152, 1153, 1154, 1155, 1171, 1172, 1173, 1174, 1175, 1176
 06/11/02 AMEND: 21 REPEAL: 23, 24, 25, 26
 06/07/02 ADOPT: 1533
 06/07/02 AMEND: 1533.1
 06/07/02 ADOPT: 1525.7
 06/06/02 ADOPT: 1507
 06/05/02 AMEND: 1111, 1122, 1137, 1177, 1413, 1470; section 1470 withdrawn from the instant filing.
 06/04/02 AMEND: 135
 05/29/02 AMEND: 23101.5

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09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2, 2578.3
 09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2
 05/22/02 ADOPT: 2000

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06/03/02 ADOPT: 1342, 1343, 1344 AMEND: 1302, 1303, 1306, 1307, 1308, 1340, 1341, 2503, 2505, 2507 REPEAL: 1342, 1343, 1344, 1349

Title 22

09/23/02 AMEND: 66261.9
 09/03/02 AMEND: 40633
 09/03/02 ADOPT: 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107
 08/27/02 AMEND: 12601, 12201
 08/22/02 ADOPT: 110385, 110449, 110554, 118020, 118203
 08/21/02 AMEND: Chapter 1 ; Section 7000

08/14/02 ADOPT: 111560
 08/06/02 ADOPT: 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.68, 66273.69, 66273.90 AMEND: 66271.9, 66273.1, 66273.8, 66273.9
 08/06/02 ADOPT: 63000.17, 63000.47, 63000.66, 63000.70, 63000.81, 63000.84, 63000.85, 63000.86, 63000.87, 63000.88, 63015, 63058 AMEND: 63000.19, 63000.37 (and renumbered to 63000.67), 63000.4 63000.43, 63000.62, 63000.86 (and renumbered to 63000.89), 63000.89
 08/05/02 AMEND: 68200, 68201, 68202, 68203, 68204, 68205, 68206, 68207, 68208, 68209, 68210, 68211, 68212, 68213, 68214
 08/01/02 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30, Appendix
 07/22/02 ADOPT: 111550
 07/18/02 AMEND: 12705, 12805
 07/16/02 AMEND: 51503, 51503.2, 51504, 51505.1, 51505.2, 51505.3, 51507, 51507.2, 51507.3, 51509, 51509.1, 51514, 51517, 51521, 51527, 51527, 51529, 51535.5
 07/15/02 ADOPT: 64860
 07/03/02 ADOPT: 66268.31.5 AMEND: 66261.32, 66261.33, Ch. 11 App. VII, Ch. 11 App. VIII, 66268.7, 66268.33, 66268.39.5, 66268.40 and table entitled "Treatment Standards for Hazardous Wastes, 66268.48, 66268.49, Ch. 18 App. VII.
 06/19/02 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12
 06/10/02 ADOPT: 100178.1 AMEND: 100177, 100178

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08/15/02 ADOPT: 110041, 110042, 110098, 110284, 110299, 110428, 110539, 110609, 112002, 112015, 112025, 112034, 112035 AMEND: 110430, 110431, 110473, 112100, 112110, 12130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302, REPEAL: 12
 08/09/02 AMEND: 80001, 80006, 80061, 80065, 80068.3, 80071, 80075, 80077.2, 80077.3, 80077.4, 80087, 80090, 80092.1, 80092.2, 80092.3, 80092.4, 80092.6, 80092.7, 80092.8, 80092.9, 80092.10, 80092.11 REPEAL: 80095

08/09/02 ADOPT: 80075.1, 82075.2, 87575.2, 87925 AMEND: 80001, 80061, 82001, 82061, 87101, 87561, 87801, 87861
 08/07/02 AMEND: 101218.1, 102419, 102421
 08/01/02 AMEND: 87101, 87565, 87566, 87568, 87589
 07/24/02 ADOPT: 110000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478,
 07/23/02 ADOPT: 87227.1, 87583.1 AMEND: 80007(a), 87101(s), 87107(a), 87114, 87118(a), 87222(a), 87561(a)(1)(A), 87585(a), 87587, 87700, 87702, 87807(a), 87854(d)
 06/26/02 ADOPT: 89202, 89261, 89319, 89323, 89370, 89372, 89374, 89376, 89388, 89400, 89405 AMEND: 87000, 87001, 87005, 87006, 87007, 87009, 97010, 97010.1, 87010.2, 87017, 87018, 87019, 87019.1, 87019.2, 87020, 87021, 87024, 87026, 87027, 87028, 87029, 87031
 05/29/02 ADOPT: Title 22 section 119184 REPEAL: MPP section 12-225.3

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09/25/02 AMEND: 645, 717(c), 767(b)
 09/19/02 AMEND: 3937
 08/27/02 ADOPT: 3410, 3410.1, 3410.2, 3410.3, 3410.4, 3410.5
 08/23/02 ADOPT: 2729, 2729.1
 08/08/02 AMEND: 3953
 07/30/02 AMEND: 2910
 07/18/02 ADOPT: 3936
 07/16/02 ADOPT: Publish new section 3935
 06/07/02 ADOPT: 510, 511, 512, 513, 514, 515, 516, 517
 05/23/02 ADOPT: 3962

Title 27

07/23/02 ADOPT: 10010(a), 10010(b), 10010(c), 10010(d) REPEAL: 10010

Title 28

08/19/02 ADOPT: 1300.73.21
 08/12/02 ADOPT: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008
 07/17/02 ADOPT: 1300.67.05
 07/08/02 REPEAL: 1300.75.4.2, 1300.75.4.4

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08/30/02 ADOPT: 16-001, 16-003, 16-005, 16-010, 16-015, 16-105, 16-120, 16-130, 16-201, 16-215, 16-301, 16-310, 16-315, 16-320, 16-325, 16-401, 16-410, 16-501,

16-505, 16-510, 16-515, 16-517, 16-520, 16-601, 16-610, 16-701, 16-750, 16-801 AMEND: 20-300, 44-302,	188.138, 40-188.15, 40-188.17, 40- 188.22, 40-188.23, 40-188.24, 40-188.25, 40-190.22
08/06/02 AMEND: 63-102, 63-103, 63-300, 63- 301, 63-503	07/03/02 ADOPT: 69-209, 69-210 AMEND: 69- 201, 69-202, 69-203, 69-204, 69-205, 69-206, 69-207, 69-208, 69-211, 69-212, 69-213, 69-214, 69-215, 69-216, 69-217, 69-301, 69-302, 69-303, 69-304, 69-205, 69-306 REPEAL: 69-210, 69-221
08/01/02 AMEND: 42-701.2(w), 42-710.1, 42- 710.2, 42-710.3, 42-711.522(c)(1), 42- 711.544, 42-711.91, 42-711.931, 42- 711.941, 42-712.441(a), 42-718.21, 42- 719.11, 42-719.111, 42-719.2, 42-719.3, 42-721.511(d)	06/28/02 ADOPT: 40-107.141, 40-107.142, 40- 107.143, 40-107.144, 40-107.15, 40- 107.151, 40-107.152, 42-302.114, 42- 302.114(a)-(c), 42-302.21(h)(1), 42- 302.3, 44-133.8, 82-833 AMEND: 40- 107.14, 40-107.16, 40-107.17, 40-107.18, 40-107.19, 42-301.2, 44-133.51, 82-8
08/01/02 AMEND: 40-181.1(e); 42-710.6; 42- 711.5, .6, &.8, 42-721.1 &.4;44-314.1 & .2;80-301(r); and 82-812.6	06/25/02 AMEND: 31-001, 31-002, 31-075, 31- 401, 31-405, 31-410, 31-420, 31-440, 31-445
07/26/02 AMEND: 63-402	
07/24/02 ADOPT: 16-702	
07/22/02 ADOPT: 40-188.136, 40-188.16, 40- 188.21 AMEND: 40.101.11, 40-188.11, 40-188.12, 40-188.13, 40-188.131, 40- 188.132, 40-188.133, 40-188.137, 40-	

